

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 17th February 1959.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Employees of the State Transport Department

* 50-A *Q.*—VIDWAN T. MUTHUKANNAPPAN: Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether it is a fact that the employees of the State Transport Department went on strike on 2nd February 1959; and

(*b*) if so, the period for which they were on strike and the reasons therefor?

THE HON. SRI R. VENKATARAMAN: (*a*) No, Sir.

(*b*) Does not arise.

SRI MOHAMED RAZA KHAN: Sir, the incident was between the conductor and the driver of a vehicle and the passengers. How is it that all the conductors and the drivers were made to sit at the Police station in the night with the result that they could not go to work early in the morning at 5 o'clock the next day?

THE HON. SRI R. VENKATARAMAN: The concerned conductor got the bus to the Transport House. Then, the enquiry had to be conducted at the Police station with regard to the incident. Then all of them went to the Police station and the enquiry did not conclude till early morning. So, they could not start the next day's work at 5 o'clock.

VIDWAN T. MUTHUKANNAPPAN: 2-2-1959 திங்கட்கிழமை அன்று வழக்கமாகக் காலையில் 5 மணிக்கு ஓடக்கூடிய பஸ்கள் ஓடவில்லை என்பது உண்மையா? எவ்வளவு நேரம் ஓடவில்லை? ஏன் ஓடவில்லை?

THE HON. SRI R. VENKATARAMAN: 5 மணிக்கு ஓட வேண்டிய பஸ்களெல்லாம் 7 மணிக்கு எடுத்து ஓட்டப்பட்டன. காரணம் அதற்கு முதல் நாள் இரவு 4, 5 பிரயாணிகளுக்கும், கண்டக்டர்களுக்கும் சண்டை வந்து விட்டது. அந்தச் சண்டையின் காரணமாக இரவு எல்லோரும் போலீஸ் ஸ்டேஷனுக்குப் போனார்கள். அந்த விசாரணை விடியற்காலை வரையிலும் நடந்தது. ஆகவே, அதற்குப் பின்பு பஸ்களைத் தயார் செய்து எடுத்துக் கொண்டு போவதற்குச் சற்றுக் கால தாமதம் ஆயிற்று.

SRI MOHAMED RAZA KHAN: Arising out of the reply of the Hon. Minister, may I know whether it is a good thing to allow all conductors and drivers to go to the Police station? After all, the

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incident was an isolated one and between the conductor, the driver and a few passengers and this crowding would have led to the possibility of clash and other incidents.

THE HON. SRI R. VENKATARAMAN : I agree that it is not a good thing to do. But I was only explaining how it happened.

SRI G. KRISHNAMOORTHY : Have the Government got any rules to prevent a recurrence of such incidents?

THE HON. SRI R. VENKATARAMAN : Certainly, courtesy shown by the passengers and the traffic staff will solve the problem. But, in this case, I am afrai the fault has been on both sides and it is not possible to put the blame on any one particular person.

SRI T. PURUSHOTHAM : What further action has been taken against the parties concerned? Has any criminal complaint been filed?

THE HON. SRI R. VENKATARAMAN : Yes, two cases have been registered, one against the conductor and the driver and another against the offending passengers.

VIDWAN T. MUTHUKANNAPPAN : அப்படிக் குறித்த நேரத்திற்குப் பஸ்கள் ஓடாததினல், அரசாங்கத்திற்கு எவ்வளவு பொருள் நஷ்டம் ஆகியிருக்கும் என்று அறியலாமா ?

THE HON. SRI R. VENKATARAMAN : It was only non-peak hour traffic and I do not think there was great loss of revenue on that day.

SRI A. M. ALLAPICHAI : Have two cases been registered, one against the staff and the other against the passengers?

THE HON. SRI R. VENKATARAMAN : Yes.

SRI A. M. ALLAPICHAI : How can both be wrong or right? (Laughter.)

SRI MOHAMED RAZA KHAN : As the conductors and the drivers did not go to their houses for rest and sleep, but stayed in the Police station itself, am I to understand that the two hours' rest given made them fit to commence their work again at 7 o'clock?

THE HON. SRI R. VENKATARAMAN : In fact, they were allowed to wash and get ready and it was not given as rest.

SRI A. M. ALLAPICHAI : Have the Government as such instituted any enquiry into the matter? No doubt, there is the Court to decide the cases instituted by the Police. The fact that the Police have filed two charge-sheets, one against the passengers and the other against the driver and the conductor, shows that the Government have left the whole matter in the hands of the Court. But the Government themselves have not made up their mind as to which side is wrong and which side is right. Such being the case,

why should not the Government themselves institute an enquiry? It is really a serious matter which has taken place between the staff and the passengers . . .

MR. CHAIRMAN : The hon. the Deputy Chairman should put a supplementary question.

THE HON. SRI R. VENKATARAMAN : I am sorry I am not able to oblige the hon. the Deputy Chairman with more information since it is now pending in Court.

SRI MOHAMED RAZA KHAN : I concede that there have been no incidents, no major incidents so far between the conductors and the passengers so far as the Madras City Transport is concerned. It is a rare thing I should say. If it happened at all, it is mainly due to overcrowding in the buses. Therefore, will the Government solve the problem of overcrowding to prevent such incidents occurring in the future?

THE HON. SRI R. VENKATARAMAN : The incident occurred at about 9-45 p.m.

SRI MOHAMED RAZA KHAN : People return home after attending cinemas at that time.

THE HON. SRI R. VENKATARAMAN : Really it is not possible for the Government to provide additional buses at 9-45 p.m.

SRI A. GAJAPATHY NAYAGAR : As a result of the proceedings of the 2nd February, were there any accidents on the 3rd February?

THE HON. SRI R. VENKATARAMAN : No, Sir.

MR. CHAIRMAN : On the request made by the hon. Member, question No. 51 will be taken up to-morrow.

THE HON. SRI C. SUBRAMANIAM : I have got the answer with me . . .

DR. A. SREENIVASAN : I wanted to invite the attention of the Government to a report appearing in a particular paper. I have not come prepared with that paper cutting. That is why I have asked for the postponement.

THE HON. SRI C. SUBRAMANIAM : I know that and I can answer questions in respect of that also.

DR. A. SREENIVASAN : If the Hon. Minister's attention has already been drawn to that, I have no objection to the question being taken up to-day.

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District Educational Officers

* 51 *Q.*—Dr. A. SREENIVASAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any District Educational Officer has been compulsorily retired during the year 1958; and

(*b*) if so, the reasons therefor?

The Hon. Sri C. SUBRAMANIAM : (*a*) No, Sir.

(*b*) Does not arise.

Dr. A. SREENIVASAN : I would like to know whether the attention of Government has been drawn to certain serious allegations made against the Education Department of the Government of Madras in the paper called ' Blitz '?

The Hon. Sri C. SUBRAMANIAM : Yes, the matter was brought to my notice. As soon as such allegations are brought to my notice, I cause enquiries to be made into the matter and a report to be submitted to me on the allegations. I may tell the hon. Member that the allegations made are absolutely baseless. No such incident took place and no officer was compulsorily retired.

Sri MOHAMED RAZA KHAN : In his reply to the main question, the Hon Minister said ' (*a*) No, Sir (*b*) Does not arise.' It might be that no officer was compulsorily retired. But did not any officer retire during that year? (Laughter.)

The Hon. Sri C. SUBRAMANIAM : Many officers retired during that year. (Laughter).

Dr. A. SREENIVASAN : What is the name of the school that is involved according to the report in the ' Blitz '?

The Hon. Sri C. SUBRAMANIAM : The name has not been given but it is alleged that it is run by a person who is supposed to be friendly with the Hon. the Home Minister and the only Member could be a Member of the Council who is running an institution round about Pallavaram or Tambaram. There has been absolutely no incident with regard to that institution and it is all purely imaginary. I do not know how it appeared in that paper. Perhaps, all the other things appearing in that paper are all of the same pattern.

Dr. A. SREENIVASAN : The point is this. Is it a fact that the school has not been inspected at all?

The Hon. Sri C. SUBRAMANIAM : That is also absolutely wrong.

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DR. A. SREENIVASAN : Why should not the Government then proceed against the paper because it is a responsible paper and it is unfair for the paper to feed the public with such things?

THE HON. SRI C. SUBRFAMANIAM : I refuse to believe that it is a responsible paper.

Overseas scholarships granted to State Government servants

* 52 *Q*.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Finance be pleased to lay on the table of the House a statement showing the number of overseas scholarships granted to the State Government servants in various departments during the last three years?

THE HON. SRI C. SUBRAMANIAM : A statement[a] is laid on the table of the House.

SRI V. V. RAMASWAMI : இம்மாதிரி மேல் படிப்புப் படிப்பதற்காக வெளி நாடுகளுக்கு அனுப்பப்படுபவர்களுக்கு ஏதாவது நிபந்தனைகள் விதிக்கப்படுகின்றனவா? அவர்கள் அந்த நிபந்தனைகளுக்குக் கட்டுப்பட்டு, மீண்டும் திரும்பிவந்தவுடன் அவைகளை ஒப்புக்கொண்டு வேலை செய்கின்றார்களா ? Are there any conditions imposed ?

THE HON. SRI C. SUBRAMANIAM : These are persons who will be employed under the Government. On their return, they come and serve the Government. There is a clause in the agreement that they should serve the Government for a particular period.

SRI MOHAMED RAZA KHAN : When they are sent, do the Government take into account the fact that they are not over-aged and that they will have time to serve the Government of Madras on their return from training or study?

THE HON. SRI C. SUBRAMANIAM : Yes, we see to it that the age of such persons is not more than 45.

SRI MOHAMED RAZA KHAN : Is an undertaking obtained from them before proceeding to foreign countries that they would serve this Government for a stipulated period?

THE HON. SRI C. SUBRAMANIAM : Yes, a condition is imposed, while selecting them, that they should serve the Government for a period of five years so.

School of Sculpture at Mahabalipuram

* 53 *Q*.—SRI M. ETHIRAJALU : Will the Hon. the Minister for Home be pleased to state— 3-10 p.m.

(*a*) the amount sanctioned for the School of Sculpture started at Mahabalipuram;

(*b*) the number of candidates trained in that school; and

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[a] Printed as Appendix I on page 139 infra.

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(c) whether there is any proposal to start similar institutions in other places?

THE HON. SRI M. BHAKTAVATSALAM : (a) During 1956–57 and 1958–59, the Government of India and this Government have sanctioned a total sum of Rs. 1,01,442 for the establishment of a training centre for Sculpture at Mahabalipuram.

(b) The first batch of eleven candidates are now undergoing training in the Centre.

(c) There is no proposal at present to start similar centres in other places.

SRI M. ETHIRAJALU : தலைவர் அவர்களே, தென்னுற்காடு ஜில்லாவில் மிகப் பிரசித்தி பெற்ற செஞ்சிக் கோட்டை இருக்கிறது. அங்கு பலரகமான கற்கள் கிடைக்கின்றன. மேலும் ஆர்க்கியலாஜிக்கல் டிபார்ட்மெண்ட் இருக்கிறது. இதையெல்லாம் கணக்கில் எடுத்துக்கொண்டு அங்கு ஒரு சிற்பக் கலைப் பள்ளிக்கூடத்தை ஆரம்பிப்பதற்கு சர்க்கார் முன் வருவார்களா ?

THE HON. SRI M. BHAKTAVATSALAM : எங்கெங்கு கற்கள் இருக்கின்றன, எங்கெங்கு மலை இருக்கிறது, எங்கெங்கு கோவில்கள் இருக்கின்றன என்பதையெல்லாம் பார்த்து சிற்பக்கலைப் பள்ளிக்கூடம் திறந்து வைக்க வேண்டும் என்பது அவசியமில்லை.

VIDWAN T. MUTHUKANNAPPAN : இதில் செய்யப்படும் படிவங்கள் விலைக்குக் கொடுக்கப்படுகின்றனவா ?

THE HON. SRI M. BHAKTAVATSALAM : சாதாரணமாக விலைக்குக் கொடுக்கப்படுவதில்லை.

SRI M. ETHIRAJALU : மகாபலிபுரத்தில் இருக்கும் சிற்பக் கலைப் பள்ளிக்கூடத்தை சர்க்கார் மூடிவிடப்போகின்றார்கள் என்று வதந்தி உலவுகிறதே ; அது உண்மையா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : இது வதந்தி என்று கனம் அங்கத்தினர் அவர்களே குறிப்பிட்டார்கள். அம்மாதிரி ஒன்றும் முடிவு எடுக்கவில்லை.

Overbridge at the Railway level crossing at Arcot Road, Kodambakkam

* 54 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Home be pleased to state—

(a) the steps taken to construct an overbridge at the railway level crossing, Arcot Road, Kodambakkam; and

(b) whether any contributions have been promised or made by the Studio-owners on the road towards the scheme?

THE HON. SRI M. BHAKTAVATSALAM : (a) It is proposed to construct 45 over/under-bridges in this State, in place of the existing railway level crossings. A list of priorities for such over under-bridges has been drawn up and the overbridge at Kodambakkam occupies the tenth place in the list. The question of including the overbridge in the State's programme will be considered in due course, along with other schemes.

(b) No, Sir.

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SRI T. PURUSHOTHAM : In view of the urgency for an overbridge at the level crossing at Kodambakkam, would the Government consider advancing the scheme in the priority list, provided substantial contributions are forthcoming from Studio-owners who would be benefited thereby?

THE HON. SRI M. BHAKTAVATSALAM : If and when such an offer is made and the money is available, the Government can look into the matter.

SRI T. PURUSHOTHAM : Will the Government advise the Corporation of Madras to take up the matter with the Studio-owners and see what steps could be taken to expedite this scheme?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I would suggest that the Studio-owners and representatives who are very much interested might take the initiative in the matter.

SRI MOHAMED RAZO KHAN : Before the Government think of going to Kodambakkam, why not they take steps to build an overbridge near the Beach Station?

THE HON. SRI M. BHAKTAVATSALAM : That has certainly got a higher priority than the scheme to build an overbridge at Kodambakkam.

SRI V. V. RAMASWAMI : சென்னை நகரத்தில் இன்னும் எத்தனை மேம்பாலங்கள் கட்டுவதற்கு அனுமதி கொடுக்கப்பட்டிருக்கின்றது ?

THE HON. SRI M. BHAKTAVATSALAM : இதைப்பற்றித் தனியாகக் கேள்வி போடும்படி கேட்டுக்கொள்கிறேன்.

Rice mills

* 55 *Q.*—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Home be pleased to state—

(*a*) the general conditions governing the grant of licences for starting rice mills in municipal and rural areas of this State;

(*b*) whether there is any ban on the starting of new rice mills in this State; and

(*c*) if so, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) Following are the general conditions governing the licensing of rice mills :—

(i) In granting licences to the new rice mills, the licensing authorities should bear in mind that the future development of the hand-pounding industry should not be hampered by the rapid expansion of rice mills.

(ii) The licensing authorities will also consider the number of rice mills functioning in the locality and the adequacy of the rice mills to hull the paddy produced in the adjacent area.

(iii) Cases of hardship, if any, in the implementation of the above instructions should be dealt with on the merits of each case by the licensing authorities.

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(*b*) There is no ban on the issue of licences to new rice mills But there is restriction on the issue of licences as mentioned in the answer to clause (*a*).

(*c*) Does not arise.

SRI T. PURUSHOTHAM : Will the Hon. Minister kindly enlighten us on how far the restrictions referred to by him have helped the development of the hand-pounding industry and on what steps have been taken to popularise hand-pounded rice?

THE HON. SRI M. BHAKTAVATSALAM : There has, of course, been some progress in the development of hand-pounded rice and the hand-pounding industry. A number of industrial co-operatives have been formed and more co-operative societies have come forward not only to take this hand-pounded rice but also to have it disposed of. Now, not only hospitals and jails but also the general public are consuming this hand-pounded rice.

Apart from that, but for these restrictions, more rice mills would have come into existence and that would have hampered the development of the hand-pounding industry.

SRI A. GAJAPATHY NAYAGAR : அரசியலார் மேற்கொள்ளும் கைக்குத்தல் அரிசித் தொழில் நஷ்டத்தில் நடந்துவருகிறது என்று சொல்லப்படுவது உண்மையா ?

THE HON. SRI M. BHAKTAVATSALAM : அவ்விதம் நஷ்டப்பட வேண்டிய அவசியமொன்றுமில்லை. கூட்டுறவுச் சங்கங்கள் மூலமாக இதை நல்ல முறையில் நடைபெறச் செய்வதற்கு வேண்டிய முயற்சிகள் எடுக்கப் பட்டு வருகின்றன.

SRI M. V. SUDARSANAM NAIDU : கைக்குத்தல் அரிசித்தொழில் இருக்கின்ற இடத்தின் பக்கத்தில் ரைஸ் மில்களுக்கு லைசென்ஸ் கொடுக்கக் கூடாது என்று ஒரு சட்டம் இருப்பதாகத் தெரிகிறது. ஆனால், அது சரிவர அனுசரிக்கப்படுவதில்லை என்று தெரிகிறது. ஆகவே, இம்மாதிரிப்பட்ட இடங்களில் ரைஸ் மில் ஏற்படாதவாறு அரசாங்கம் கவனித்துக் கொள்ளுமா ?

THE HON. SRI M. BHAKTAVATSALAM : அரசாங்கம் எப்படி கவனிப்பது என்று தெரியவில்லை. ஒரு இடத்தில் சிறிய அளவில்தான் கைக்குத்தல் அரிசித் தொழில் இருந்து வருமானால், அதன் மூலம் அந்த இடங்களுக்குப் பூராவும் சப்ளை செய்ய முடியாது. அதனால் ரைஸ் மில்களுக்கு லைசென்ஸ் கொடுக்க வேண்டிய நிலைமை ஏற்படுகிறது. எந்த இடத்திலும் ரைஸ் மில் ஆரம்பிப்பதைத் தடை செய்ய முடியாது. அவ்விதம் தடை செய்யவேண்டுமென்றால், சட்டத்தையே மாற்றியாக வேண்டும்.

SRI G. KRISHNAMOORTHY : Cannot the Government go into the matter of finding a device by which these rice mills may not be allowed to polish rice to such an extent as they are doing now?

THE HON. SRI M. BHAKTAVATSALAM : The objective behind the hand-pounding rice development programme is not only to obtain nutrition for the rice but also to provide employment which is the main underlying thing. Therefore, it would not be enough if rice mills are made to supply unpolished rice.

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SRI K. T. KOSALRAM : ரைஸ்-மில்லுக்கு லைசென்ஸ் கொடுப்பது சம்பந்தமாக, ஸ்தல ஸ்தாபன இலாகாவிலிருந்து லைசென்ஸ் பெற்றவர்களுக்குக் குறிப்பிட்ட காலத்திற்குள் கலெக்டர் ஆபீஸிலிருந்து லைசென்ஸ் கொடுக்க வேண்டுமென்று அரசாங்கம் ஏதாவது உத்தரவு பிறப்பிக்குமா ?

THE HON. SRI M. BHAKTAVATSALAM : இதன் அடிப்படையில் தான் மனுக்கள் இப்போது பரிசீலிக்கப்பட்டு லைசென்ஸ் கொடுக்கப்பட்டு வருகின்றது.

SRI A. SUBRAMANYAM : 5 அவுன்ஸ் கைக்குத்தல் அரிசி சாப்பிடுவது 10 அவுன்ஸ் மில் அரிசி சாப்பிடுவதற்குச் சமமாகும் என்று சொல்லுகிறார்களே, அது உண்மையா ?

THE HON. SRI M. BHAKTAVATSALAM : அது அவ்வளவு தூரத்திற்குச் சரியென்று சொல்ல முடியாது. மில் அரிசியைவிட கைக்குத்தல் அரிசி குறைவாகச் சாப்பிட்டால் போதுமானதாக இருக்கும்.

SRI K. T. KOSALRAM : இப்போது அமைச்சர் அவர்கள் சொன்னது மாதிரி, அரசாங்க உத்தரவுப்படி லைசென்ஸ் கொடுக்கப்படாமல் இருக்கும் மனுக்கள் (பெண்டிங் கேஸ்கள்) எல்லாம் அனுதாபத்தோடு கவனிக்கப்படுமா என்று கேட்க விரும்புகிறேன் ?

THE HON. SRI M. BHAKTAVATSALAM : அம்மாதிரியெல்லாம் மனுக்கள் வரும்போது முதலில் கலெக்டர் முடிவு சொல்லுகிறார். அதன் பின்னால் ரெவின்யூ போர்டு பரிசீலனை செய்து அரசாங்கத்திற்குத் தெரிவிக்கிறது. அதில் எங்கு நியாயம் இருக்கின்றதோ, அதன்பேரில் அரசாங்கம் உத்தரவு பிறப்பிக்கும்.

Men and women teachers trained in Teachers' Training Schools

* 56 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(a) the number of men and women teachers trained in Teachers' Training Schools in 1958 in the Higher Grade and the Secondary Grade classes;

(b) the number of Higher and Secondary Grade teachers employed by various schools in the State in June-July 1958; and

(c) whether there is any proposal before the Government to limit the number of seats in Training Schools from 1959–60?

THE HON. SRI C. SUBRAMANIAM : (a) The information is not available. The number of candidates who underwent the training and passed the T.S.L.C. Examination in March 1958 is as follows :—

	Men.	Women.
Secondary Grade	1,029	807
Elementary Grade	730	859
Senior Basic	2,290	717
Junior Basic	1,656	935

(b) The information is not available. The time and labour involved in collecting the particulars to answer the question will not be commensurate with the public interest served.

(c) No, Sir.

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SRI G. KRISHNAMOORTHY : Is it a fact that as per the figures of the Government themselves, we are just producing double the number of teachers required for substitution in the place of retired or dead persons?

THE HON. SRI C. SUBRAMANIAM : Yes, my impression also was that we were training more men than necessary. But the matter has been gone into and the Director of Public Instruction has furnished figures which go to show that all these persons could be absorbed. Particularly, when we were introducing the teacher-pupil ratio, there was some stagnation. But now, I am told that the position has considerably improved and that there is scope for employment for all.

SRI G. KRISHNAMOORTHY : Have the Government appointed a committee or are they going to appoint one to go into these affairs and find out whether we produce the limited number required for a year?

THE HON. SRI C. SUBRAMANIAM : The appointment of a committee is not necessary. The Director of Public Instruction has gone into the matter.

VIDWAN T. MUTHUKANNAPPAN : இவர்களில் எத்தனை பேர் ஆதாரப் பயிற்சி பெற்றிருக்கிறார்கள், சாதாரண ஆசிரியர்கள் எத்தனை பேர் என்பதைத் தெரிவிக்க முடியுமா ?

THE HON. SRI C. SUBRAMANIAM : இதைப்பற்றி நான் முதலில் குறிப்பிட்டேன். அதாவது மொத்தமாகப் பயிற்சி பெற்றவர்களின் தொகை :—

செகண்டரி கிரேடு—ஆண்கள் 1,029, பெண்கள் 807.

எலிமெண்டரி கிரேடு—ஆண்கள் 730, பெண்கள் 859.

ஸீனியர் பேஸிக்—ஆண்கள் 2,290, பெண்கள் 717.

ஜூனியர் பேஸிக்—ஆண்கள் 1,656, பெண்கள் 935.

3-20 p.m.

SRI T. P. SRINIVASAVARADAN : Has it been the policy of the Government since 1957 not to give permission to start training institutions and if at all permission was given, was it given only to start Basic Training institutions?

THE HON. SRI C. SUBRAMANIAM : Yes. No schools are allowed to be started, because we have started enough number of schools. Anyhow, during the Second Plan period, we are converting the existing non-basic schools into basic training schools. A few more remain to be so converted and by the end of the Second Plan period, they would also be convented.

SRI G. KRISHNAMOORTHY : Sir, will the Government appoint special staff in each district office to collect statistics of unemployed teachers so that there may be correct statistics available and we may assess correctly the requirement of each district or each area on the basis of such statistics?

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THE HON. SRI C. SUBRAMANIAM : We have got statistics to show how many new teachers are unemployed, how many have retired, etc. From them, it can be calculated how many would be required for each district every year. On that basis, it is found that it may not be necessary to restrict the number of trainees.

SRI T. P. SRINIVASAVARADAN : Is there any proposal to close down all the Higher Grade Training Schools and keep only the Secondary Grade Training institutions?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. But it would be a slow process. There is unemployment amongst this category also and we do not want to create a problem. But by a planned process all the schools will become Secondary Grade Training Schools.

SRI K. T. KOSALRAM : ஸார், ஒரு குறிப்பிட்ட ஜில்லாவில், திருநெல்வேலி ஜில்லாவில், அதிகமான டிரெயினிங் ஸ்கூல்கள் இருப்பதனால், அங்கு ஆயிரக்கணக்கான பள்ளி உபாத்தியாயர்கள் டிரெய்னிங்கை முடித்துவிட்டு வேலையில்லாமல் இருக்கிறார்கள் என்பதும், அதே நேரத்தில் சேலம், தென் ஆற்காடு, வட ஆற்காடு ஜில்லாக்களில் டிரெய்னிங் ஆகாதவர்களை வேலையில் நியமித்திருக்கிறார்கள் என்பதும் அரசாங்கத்தின் கவனத்திற்கு வந்திருக்கிறதா ? அப்படி இருக்குமானால், அங்குள்ள அன்டிரெயின்டு டீச்சர்களை எடுத்துவிட்டு, வேலை இல்லாமல் இருக்கும் 2,000 பேர்களுக்கு வேலை கொடுப்பார்களா என்று கேட்க விரும்புகிறேன் ?

THE HON. SRI C. SUBRAMANIAM : ஆயிரத்திலிருந்து இப்போது 2,000 ஆகியிருக்கிறது. இப்படியே எங்கு போய் நிற்கும் என்று தெரியவில்லை. திருநெல்வேலி ஜில்லாவில் அதிகமான ஆசிரியர்கள் வேலையில்லாமல் இருக்கிறார்கள். அங்கு இருப்பவர்களுக்கும் இப்போது வேலை கிடைத்துவருகிறது என்று தெரிகிறது. ஒரு ஜில்லாவில் உள்ளவர்களை இன்னொரு ஜில்லாவில் வேலைக்கு நியமிப்பதில் சிரமங்கள் இருக்கின்றன.

SRI K. M. RAMASAMY GOUNDER : பயிற்சி பெற்ற ஆசிரியைகளில் அநேகம் பேர்கள் வேலையில்லாமல் இருக்கிறார்கள். அவர்களுக்குப் " பிரிபரென்ஸ் " கொடுத்து, காலி இடங்களில் பெண் ஆசிரியைகளை நியமிக்க சர்க்கார் ஒரு உத்திரவைப் பிறப்பிப்பார்களா ?

THE HON. SRI C. SUBRAMANIAM : நம் கவனத்திற்கு வருகிற இரண்டு, மூன்று கேஸ்களை வைத்துக்கொண்டு அதிகமான பேர் வேலையில்லாமல் இருக்கிறார்கள் என்று சொல்வது தவறு. புள்ளி விவரங்களை எடுத்துப் பார்த்ததில், நான் நினைத்துப் பார்த்த அளவுக்குக் கூட வேலையில்லாமல் இல்லை என்று தெரியவருகிறது. ஆகையால், இதிலே ஆசிரியைகளுக்கு " பிரிபரென்ஸ் " கொடுக்க வேண்டுமென்பது எழவில்லை.

Provident Fund Accounts of teachers

* 57 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state the steps taken or proposed to be taken by the Government to expedite the closure of Provident Fund Accounts of teachers in aided institutions on their retirement?

THE HON. SRI C. SUBRAMANIAM : A statement [a] is laid on the table of the House.

[a] Printed as Appendix II on page 140 infra.

SRI G. KRISHNAMOORTHY : Sir, while thanking heartily the Government for the steps they have taken in this behalf, may I request the Government to consider kindly whether it is not possible to allow these used pass-books to be retained by the teachers themselves? Now they are with the District Educational Officers.

THE HON. SRI C. SUBRAMANIAM : I do not think there is any difficulty. I do agree that there are some delays in getting the Provident Fund moneys. Nowadays, I understand, it is done quite promptly. However, if there is any difficulty in any particular case, the hon. Member may make a representation and I shall look into it.

SRI G. KRISHNAMOORTHY : There is delay by managements even. Cannot the Government take rigorous steps against those managements which delay too much and cannot they be made to pay interest at least for the delayed period?

THE HON. SRI C. SUBRAMANIAM : If there is any delay, it may be brought to the notice of the Government and it can be seen whether it could be rectified.

SRI G. KRISHNAMOORTHY : Have the Government considered one of my suggestions that the Government contribution might be credited to the teachers by the Accountant-General and a separate account kept with entries made in red ink?

THE HON. SRI C. SUBRAMANIAM : I do not think any particular purpose would be served by that, except that the ways and means position of the Government would be helped.

SRI K. M. RAMASAMY GOUNDER : Even to this day there are cases of closure pending for years; no money has been paid even after two years since retirement. In view of this, will the Government order immediate closure of Provident Fund Accounts still pending?

THE HON. SRI C. SUBRAMANIAM : The hon. Member may bring such cases to my notice.

SRI K. M. RAMASAMY GOUNDER : I have brought the matter to the notice of the department. In view of the inordinate delay, will the Government order at least the payment of the amount (paid by the subscriber) to his credit in the Post Office Savings Bank?

THE HON. SRI C. SUBRAMANIAM : Sometimes there are defects. However much the rule might be amended or rectified, these hard cases cannot be provided for. In such cases, if we are unable to rectify the defects, that will have to be endured.

SRI K. M. RAMASAMY GOUNDER : It is not a question of hard cases; it is more or less a case of hard-heartedness; the Government officials are not disposing of the applications promptly. At least, the amount contributed by the subscribers may be disbursed to them though payment of Government contribution might

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take some time. What is required is some sort of fresh directive from the Government to see that the teachers are paid promptly after retirement.

THE HON. SRI C. SUBRAMANIAM : If the hon. Member would study the instructions issued by us, I am sure he would be satisfied. We are taking all possible steps to remove these defects.

SRI T. P. SRINIVASAVARADAN : But one step has not been taken. I would like to bring this to the notice of the Hon. Minister. The teacher pays his contribution and the management also pays its contribution. At the time of closure of accounts, there are both these amounts in the Savings Bank. As the Hon. Minister is aware, one of the instructions is that 90 per cent of their deposit should be immediately paid to the subscriber. So far as Madras is concerned, it is paid promptly. (Sri K. M. Ramasamy Gounder : You mean Madras City?) Yes, in the Madras City it is paid promptly, but in the mofussil it takes a long time. Will the Hon. Minister see that at least this 90 per cent of their deposits is paid immediately, without any delay?

THE HON. SRI C. SUBRAMANIAM : I think these are general instructions not restricted to the City alone. Anyhow, I shall look into it.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, பிராவிடெண்ட் பண்ட் சம்பந்தமாக அரசாங்கம் நடத்தும் பள்ளிகளில் உள்ள ஆசிரியர்களுக்கும், தனியார் நடத்தும் பள்ளிகளில் உள்ள ஆசிரியர்களுக்கும் வேறுபாடு இருக்கிறது. கவர்ண்மெண்ட் பள்ளிகளில் விட்டுவிட்டாலும், கவர்ண்மெண்ட் கண்ட்ரிப்யூஷன் வருகிறது. ஆனால், தனியார் நடத்தும் பள்ளிகளில் ஐந்து ஆண்டுகள் தொடர்ந்து நீடித்தால்தான் கண்ட்ரிப்யூஷன் வருகிறது. ஆகையால், இந்த வேறுபாடு நீக்கப்படுமா ?

THE HON. SRI C. SUBRAMANIAM : இதற்குத் தனிக் கேள்வி போட வேண்டும். நான் விவரம் அறியாமல் இந்தக் கேள்விக்குப் பதிலளிக்க முடியாது.

Import of potato seeds

* 58 *Q.*—SRI V. M. SURENDRAM : Will the Hon. the Minister for Home be pleased to state—

(*a*) the quantity of potato seeds imported into the State during the years 1954–56;

(*b*) the cost thereof; and

(*c*) how it was distributed?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) & (*b*) The quantity of the potato seeds imported into this State and the cost thereof is as detailed below :—

Year.		Quality.	Cost.
		TONS.	RS.
1954	..	5	3,445·62
1955	..	5	2,980*
1956	..	5	2,980*

* Includes 49 ped cent import duty.

(c) Out of 5 tons of Great Scot variety of potato seeds imported in 1954, a quantity of 7,444 lb. were sown at Agricultural Research Station, Nanjanad, and 224 lb. sown at the Ergot Farm, Ootacamund. The 10 tons of potato seeds imported during 1955 and 1956 were imported by a private person at Kotagiri for cultivation in his farm.

Agricultural Banks

* 59 *Q.*—SRI M. ETHIRAJALU : Will the Hon. the Minister for Home be pleased to state—

(*a*) the number of Agricultural Banks started in the Block Development areas in this State during 1956–57 and 1957–58; and

(*b*) the amount of loans granted by these banks in those years?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) Number of Agricultural Banks started in the Block Development areas in this State are—

1956–57.	1957–58.
50	108

(*b*) The amounts of loans granted by these banks were—

1956–57.	1957–58.
RS.	RS.
31,70,995	1,22,51,650

SRI M. ETHIRAJALU : ஸார், ரொம்பப் பிற்பட்ட பகுதிகளில் இருக்கும் பிளாக்குகளில் ஒன்றுக்கு மேற்பட்ட பாங்குகள் ஆரம்பிக்க வேண்டுமென்று விவசாயிகள் பங்குத் தொகை கொடுக்க முன்வருவார்களே யானால், அங்கே மேலும் ஒரு பாங்கு ஆரம்பிக்க சர்க்கார் அனுமதிக்குமா ?

THE HON. SRI M. BHAKTAVATSALAM : அந்தமாதிரி விவசாயிகள் முன்வந்தால், பட்ஜெட்டிலே இருக்கிற நிதியைப் பார்த்து அப்போதைக் கப்போது கவனிக்கப்பட்டு வருகிறது.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, விவசாயிகளுக்குக் கடன் கொடுப்பதிலே கால தாமதம் ஏற்படுகிறது. சில சமயங்களில் ஆறு மாதம், எட்டு மாதம் கூட ஆகிறது. ஆகையால், சீக்கிரம் கொடுக்க ஏற்பாடுகளைச் செய்வார்களா ?

THE HON. SRI M. BHAKTAVATSALAM : எந்த விவசாய பாங்கிலே அம்மாதிரித் தாமதம் ஆகிறது என்று குறிப்பிட்டு விவரம் தெரிவித்தால், நான் அதைக் கவனிக்க முடியும்.

* SRI K. M. RAMASAMY GOUNDER : As members of primary societies, individuals had a maximum borrowing power up to Rs. 1,000. But as soon as they became members of Agricultural Banks, the maximum borrowing power of an individual had been

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reduced to Rs. 500. There is a feeling that there is less of credit facilities in Agricultural Banks. So, will the maximum borrowing power be raised, Sir?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that this programme of Agricultural Banks is quite popular and that there is demand everywhere for more and more Agricultural Banks.

3-30 p.m.

SRI M. SESHACHARIAR : Sir, has the starting of Agricultural Banks been stopped at present?

THE HON. SRI M. BHAKTAVATSALAM : No, Sir.

SRI K. M. RAMASAMY GOUNDER : Is there any difficulty in raising the maximum borrowing power to Rs. 1,000, if not more?

THE HON. SRI M. BHAKTAVATSALAM : The pattern has been fixed up for the Agricultural Banks and there is no idea of revising it.

SRI M. ETHIRAJALU : ஐயா, விவசாயிகளுக்குக் கொடுக்கக்கூடிய அதிகபட்சக் கடன் தொகையை 10,000 ரூபாயாக உயர்த்தினால், விவசாயக் கருவிகளை—டிராக்டர் போன்றவைகளை—வாங்க சௌகரியமாக இருக்கும் என்று சொல்லுகிறார்கள். அப்படி அதிகபட்சக் கடன் தொகையை உயர்த்த சர்க்கார் அனுமதிப்பார்களா ?

THE HON. SRI M. BHAKTAVATSALAM : டிராக்டர்கள் வாங்கக் கூடிய விவசாயிகள் ஒரு சிலர்தான் இருக்கிறார்கள். டிராக்டர் வாங்க வேண்டுமானால், ஆயிரக்கணக்கான ரூபாய் கடன் வேண்டியிருக்கும். விவசாய பாங்கு அந்தப் பணத்தைக் கொடுக்க முடியாது. அதற்கு வேறு வகைகள் இருக்கின்றன.

SRI A. GAJAPATHY NAYAGAR : Would the grant of loans to the ryots depend upon the deposits they make in the bank?

THE HON. SRI M. BHAKTAVATSALAM : Not necessarily so, Sir.

Houses for Harijans

* 60 *Q.*—SRI M. ETHIRAJALU : Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal to construct houses for Harijans under any scheme sponsored and financed by the State Government?

THE HON. SRI P. KAKKAN : Houses for Harijans are already being constructed by the State Government—

(1) under the grant-in-aid schemes according to which 50 per cent of the cost is borne by the Government of India; and

(2) under the Centrally Sponsored Schemes according to which the entire cost is borne by the Government of India.

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SRI M. ETHIRAJALU : சென்னை அரசாங்கமே ஹரிஜனங்களுக்கு என்று வீடு கட்டுவதற்கு ஒரு கார்ப்பொரேஷனை நிறுவி, அதன் மூலமாக வீடு இல்லாத ஹரிஜனங்களுக்கு வீடு கட்டிக் கொடுப்பதற்கு முயற்சிக்குமா ?

THE HON. SRI P. KAKKAN : சில திட்டங்களுக்கு மத்திய அரசாங்கம் பாதிச் செலவுத் தொகையை ஏற்றுக்கொள்கிறது. மத்திய அரசாங்கமே நேரடியாக எடுத்துக்கொண்டு முழுச் செலவையும் ஏற்றுக்கொள்ளும் திட்டங்களும் இருக்கின்றன. அப்படியிருக்கும்போது, நம் ராஜ்ய அரசாங்கமே ஏன் அதற்குச் செலவிடவேண்டும் ?

VIDWAN T. MUTHUKANNAPPAN : இந்தத் திட்டப்படி தாழ்த்தப் பட்ட மக்கள், பிற்பட்ட வகுப்பினர், போன்றவர்களுக்கும் வீடு கட்டிக் கொடுக்கும் திட்டம் மேற்கொள்ளப்படுமா ?

THE HON. SRI P. KAKKAN : இப்பொழுது இருக்கும் திட்டப்படி இல்லை.

MR. CHAIRMAN : Questions are over.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ANNOUNCEMENTS.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the folllowing message, dated the 14th February 1959, from the Governor of Madras :—

" In pursuance of Article 207, clause (3), of the Constitution of India, I, Bishnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras General Sales Tax Bill, 1959, as passed by the Madras Legislative Assembly."

(2) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received the following message, dated the 16th February 1959, from the Hon. Speaker, Madras Legislative Assembly :—

" In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras General Sales Tax Bill, 1959 (L.A. Bill No. 6 of 1958), as passed by the Legislative Assembly on the 14th February 1959 and signed by me for the recommendations of the Council.

I certify that this is a Money Bill within the meaning of Article 199 of the Constitution of India."

(3) AMENDMENTS TO THE MADRAS GENERAL SALES TAX BILL, 1959.

MR. CHAIRMAN : I have further to announce to the House that amendments to the Madras General Sales Tax Bill, 1959 (L.A. Bill No. 6 of 1958), as passed by the Assembly, will be received from the Members up to 2 p.m. on 18th February 1959.

III.—GOVERNMENT BILL.

THE MADRAS GENERAL SALES TAX BILL, 1959 (L.A. BILL NO. 6 OF 1958).

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I beg to move—

'That the Madras General Sales Tax Bill[a], 1959 (L.A. Bill No. 6 of 1958), as passed by the Legislative Assembly, be taken into consideration'.

As hon. Members are aware, this Bill was introduced in the Assembly on the 8th March 1958 and was subsequently referred to a Select Committee for detailed scrutiny. The House is aware that the Government requested Dr. Lokanathan to study the entire sales tax structure in Madras and make his recommendations for the simplification and rationalisation of the sales tax structure. Government are grateful to Dr. Lokanathan for his painstaking survey of the system of sales tax in Madras and for the valuable Report he has submitted. The said Report has already been placed on the table of this House and hon. Members as well as the mercantile community have had full opportunity to study the Report.

The recommendation of Dr. Lokanathan to levy single-point tax on a large number of commodities was accepted with some variations in the rates in respect of certain items, mainly because this Government and other State Governments agreed to levy a uniform sales tax of 7 per cent single point on certain luxury commodities. The principle of levying compounded rates of tax on dealers with turnover of Rs. 25,000 and less was also accepted but the rates have been fixed so as to conform to the general multi-point rate of 2 per cent. His other recommendations, viz., abolition of the licensing system, separation of appellate and assessment functions and the formation of an intelligence wing and giving greater powers to the officers of the department to tackle evasions, have all been accepted. The Government could not accept the recommendation of Dr. Lokanathan to reduce the general multi-point rate to one per cent or the rates of tax recommended on food-grains, milk, pulses and vegetables, since the Government could not afford to lose any revenue during the implementation of the Second Plan. The Bill introduced in the Assembly on the 8th March 1958 embodied the various decisions of the Government on the recommendations of Dr. Lokanathan excepting those which should find a place in the rules.

Now, I shall proceed to explain to the House some of the important changes made by the Select Committee in the Bill as originally published. In clause 2, a definition of the term "business" has been inserted, so as to cover all cases of sales with or

[a] Printed as Appendix III on pages 141–178 infra.

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without profit motive, as the High Court has held that transactions made without profit motive are not liable to tax under the Act. The original explanation to clause 2 (*g*) which had the effect of bringing pure collection agents such as banks, etc., under the purview of the Act has been deleted as it is not the intention to bring banks under the purview of the Act. A new explanation has been added to clauses 2 (*g*) and (*n*) so as to bring specially under the purview of the Act, a society, club or firm or an association which sells, supplies or distributes goods to its members, because Courts have held that distribution of goods by a club, etc., to its members is not a sale in the course of business attracting liability to tax, as there is no intention to make profit.

In clause 3, the general exemption limit for multi-point goods was raised to Rs. 10,000 in deference to the representations made to the Select Committee. Rice products and wheat products have also been included in the category of foodgrains for a lower rate of tax at one per cent as against the present rate of 2 per cent. Dealers in vegetables, fruits, etc., have been shown a further concession by raising the exemption limit from Rs. 25,000 to Rs. 30,000. The provision for levy of tax at the purchase point on cashew and paddy has been removed. These goods will be taxed at the point of sale like other multi-point goods. In clause 3 (2), provision has been made for the levy of a concessional rate of tax of 1 per cent on sales of component parts to manufacturers of finished goods mentioned in the First Schedule to the Bill, so that the manufacturers of finished goods may not purchase component parts from outside the State on which they will have to pay only one per cent Central sales tax, thereby affecting the local trade.

In clause 20 (1), the turnover limit for purpose of registration has been raised from Rs. 4,000 to Rs. 7,500 in deference to the representations made to the Select Committee.

The original clauses 26 to 30 which dealt with appeals and revisions have been replaced by new clauses 31 to 39. A differentiation has been made between routine and important matters on which relief may be sought by an assessee and provision for appeal has been restricted to orders arising out of final assessment and other important matters, leaving less important matters like provisional assessment to departmental revision. This is calculated to reduce avoidable waste of time and inconvenience in attending appeal courts. In order that appeals may be disposed of expeditiously, provision has been made in the Bill for hearing of appeals by a single member of the Appellate Tribunal in cases where the total turnover of a dealer does not exceed Rs. 25,000. Revision to the High Court against the Tribunal's decision is contemplated only if the total turnover is Rs. 50,000 or over. The scheme of the appeal provisions has been explained in detail in the Report of the Select Committee.

3-40 p.m.

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Clause 47 of the Bill as introduced in the Assembly empowered the Government to amend the Schedules by notification after taking the approval of the Legislative Assembly. The Committee felt that as in the Indian Tariff Act, the Government should have power to amend the Schedules by notification and subsequently get it adopted by the Legislature. Accordingly, new clause 59 has been inserted.

Mr. Chairman, Sir, I may stop here and explain why it has been found necessary for the Government to assume power to alter or add to the Schedules or vary the rates. Normally the Government would not impose any tax without getting prior legislative sanction. But in matters like sales tax, where urgent action has to be taken in respect of certain commodities in order to preserve the trade of the State, it may become necessary for the Government to exercise this power of altering the Schedules or varying the rates and then coming to the Legislature for its sanction. Two objections are generally raised with regard to the power of the Government to alter the Schedules by notification and subsequently take legislative sanction. One is that it is against the Constitution and the other is that it is not necessary. So far as the first objection is concerned, I want to make it clear that the provision in clause 59 is identical with the section in the Indian Tariff (Amendment) Act of 1954, which was passed by Parliament, after the Constitution came into force. Power has been given under the Indian Tariff Act to alter or vary the rates of levy of export and import duties in respect of goods and then come to the Legislature for getting it ratified. It becomes necessary for Government to assume this power because in a society in which commodities enter into the international trade, fluctuations in the world market make it necessary to alter the rates so as to preserve the trade of the country. At any rate, it has not been challenged in any proceedings so far in any Court that the provisions of the Indian Tariff (Amendment) Act, 1954, are contrary to the Constitution.

Then, Sir, the question of necessity—the need—for such a power is raised. In 1939, the Central Government did not have such large powers in regard to the levy of sales tax by them. But, after the Constitution has been framed, the Centre have assumed certain powers of levying sales tax in respect of commodities where the State Legislatures themselves agreed to the granting of such power to the Central Government. You are aware that in the last year an additional excise duty over sugar, textiles and tobacco was levied in lieu of the tax which was originally levied by the States. Even now there are representations made to the Government of India that certain other items should be included in the levy of additional excise duty in lieu of sales tax levied by the respective State Governments. One such commodity in respect of which representations are persistently made is coffee. If the Government of India should assume the power to levy additional excise duties in respect of this commodity in lieu of sales tax, then it would

become necessary for this Government to alter the Schedule and transfer coffee from Schedule I to Schedule III. It may even be that many other articles have to be changed from one Schedule to another or removed from the single-point levy under the First Schedule to the multi-point levy. It will all depend on the exigencies of trade for the purpose of preserving and protecting the trade of our State. Therefore, it has been found that our State also should assume this power.

SRI MOHAMED RAZA KHAN : Sir, may I just interrupt the Hon. Minister? The contingency which he visualises is not going to happen every time. This will arise on very rare occasions. But just for information, may I know whether the other States are providing for this contingency in their Sales Tax Act or whether Madras alone is giving the lead in this matter?

* THE HON. SRI R. VENKATARAMAN : This is an extraordinary power to be exercised only when occasions warrant. Madras generally gives the lead to very many other States in all matters. When they see that our Sales Tax Act has provided for such a power, it is not unlikely that they will also follow in our footsteps.

SRI MOHAMED RAZA KHAN : They do not have such a power at present.

* THE HON. SRI R. VENKATARAMAN : They do not have, because the man who invents finds things for the first time. Otherwise, he would not be an inventor. The Indian Tariff Act already provides for this power.

SRI V. V. RAMASWAMI : The Hon. Minister has copied it here.

* THE HON. SRI R. VENKATARAMAN : So far as sales tax is concerned, this is a new discovery, a power which is useful to the State.

Then, Sir, there are also other contingencies in which it may become necessary for us to exercise this power. For instance, proposals may be made in the Budget to vary the rate of tax, and between the date on which the proposals with regard to the varying of the rates of sales tax are announced and the date on which the actual legislation is passed, traders are likely to take advantage of the time lag and corner the goods or bring about transactions which are likely to affect the normal trade in the State. In the Central Government, there is an Act called the Provisional Collection of Tax Act whereby, when any proposal is made in the Budget in regard to the enhancement or the reduction or the varying of any of the rates of tax, the Central Government, by notifying the change, can immediately collect the tax according to the notification, notwithstanding the fact that it is subsequently approved. For all these reasons, Sir, it has been found

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necessary that we should assume this power. (Sri Mohamed Raza Khan : Too much power). Sir, I have taken a little time to explain this provision in detail, because I do not want a criticism later on that we are doing something which is not known to the Legislature or which is contrary to the Constitution or that it is not even necessary.

SRI T. P. SRINIVASAVARADAN : Sir, am I right in assuming that the Indian Tariff Act empowers the Government to levy tax on foreign goods and not on indigenous goods? Does this Act apply to indigenous goods also?

* THE HON. SRI R. VENKATARAMAN : The Central Government levy excise duties, export duties, and import duties on all goods.

Then, Sir, I shall proceed to explain the changes we have made in the Schedules. In the First Schedule, staple fibre yarn has also been included for single-point levy at 1 per cent along with artificial silk yarn. Bonemeal and any mixture of organic manure and chemical fertilizer have been included in the definition of chemical fertilisers. According to item 27 in the First Schedule, as it originally stood, firewood and charcoal were liable to single-point tax. As the tax under the single point system is payable whatever be the quantum of turnover in such goods, even small dealers. It has, therefore, been decided to exclude firewood become liable to pay tax. This will cause inconvenience to the small dealers. It has, therefore, been decided to exclude firewood and charcoal from the First Schedule and to retain it under multi point levy.

For the same reason, 'bricks and tiles' have been deleted from the First Schedule. 'Ivory products', carvings, paintaings and curios have been deleted from the First Schedule as it was considered that it would be difficult to locate the first point of taxation in respect of these goods. The following items have also been deleted from the First Schedule as the trade represented that the multi-point levy would be more convenient in respect of these goods than a single-point levy at a higher rate :—

1. Aerated water.

2. Matches including undipped splints and veneers.

3. Stainless steel sheets, utensils and articles made of stainless steel.

4. Aluminium, copper and brass sheets and utensils and articles made therefrom.

5. Chemicals, drugs and medicines excluding indigenous medicines, herbs and roots used for indigenous medicine.

6. Dyes and chemicals.

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7. Tin, zinc, lead (non-ferrous) slabs, barks, blocks, ingots or scraps.

8. Spectacles and frames of all kinds.

9. Tapioca.

French coffee has been included in the First Schedule for single-point levy at 5 per cent. Sugarcane and potatoes have also been included in the First Schedule as they are commercial crops and are suitable for single-point levy.

3-50 p.m.

The Legislative Assembly which considered the provisions of the Bill, as amended by the Select Committee, made some further changes in the Bill. The important changes made by the Assembly are the following :—

"Oil cakes" was deleted from the First Schedule so that it might remain under multi-point levy as at present, as it was represented that by levying single-point tax on 'oil cakes', even small dealers, especially chekku-owners, would suffer. The rate of single-point tax on 'palmyra fibres and stalks' was reduced from 3 per cent to 2 per cent as it was represented that the article was mostly exported to other countries and that there was competition in this trade from the neighbouring State.

The provisions of the Bill have been scrutinized in detail by the Select Committee and by the Legislative Assembly and the changes mentioned above have been made after due consideration. The recommendations of Dr. Lokanathan have been substantially accepted except in regard to the general multi-point rate of tax and the rate of tax on foodgrains, milk, pulses and vegetables. In view of the paramount need for funds to execute the Second Five-Year Plan and the condition of the State finances, the Government could not afford to experiment by reducing the rates, especially when there is no guarantee that the yield under the revised system will not be below the present yield. The demands of merchants have been met to a large extent by the introduction of slab rates for small dealers who form 50 to 60 per cent of the dealers assessed to tax and the extension of single-point levy to a large number of items.

The pattern of the Bill is calculated to give relief to small dealers, to reduce the inconvenience to traders in general in filing returns, appeals, etc., and in getting legitimate relief, and to protect the interests of honest traders by plugging evasions and suppressions.

I must add how grateful I am for the very valuable assistance which the Members of this House gave to the Select Committee and for the co-operation extended by them in a thorough examination of the Bill. I request that the Bill, as passed by the Legislative Assembly, be taken into consideration.

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MR. CHAIRMAN : Motion moved—

"That the Madras General Sales Tax Bill, 1959 (L.A. Bill No. 6 of 1958), as passed by the Legislative Assembly, be taken into consideration."

SRI MOHAMED RAZA KHAN : Sir, I rise to seek some clarification from the Hon. Minister. The Hon. the Minister for Industries, anticipating some possible criticism of the power which the Government were assuming so far as the Schedule was concerned with reference to the levy of this tax, took a good deal of time to explain it. Well, he may be correct or may not be correct. It is a point for argument. He also said that there was the possibility of every Budget having some taxation proposals. (An hon. Member: He said only 'may'.) That is all right. It is by the way. Whatever it is, he said that every Budget might have some taxation proposal. But then, the public must have some time and Legislature of the land must have some time to consider it and to have a debate on such taxation proposal. He said that in such cases, they had to wait for four or five months to get the Bill passed and get the income from the taxes proposed. In this context, am I to understand that as soon as the Budget proposals are made, it is the intention of the Government to begin to collect the taxes by making the necessary notification, without introducing a Bill for the purpose in the Legislature and getting it passed after the Legislature has considered its various aspects? Is it the intention of the Government in such cases not to give a chance to the Legislature to consider such financial Bills? I would like to have this point clarified by the Hon. Minister.

THE HON. SRI R. VENKATARAMAN : Sir, I shall answer this point in the course of my reply.

* **SRI V. V. RAMASWAMI :** மன்றத் தலைவர் அவர்களே, இந்தச் சபையில் இப்பொழுது கொண்டுவரப்பட்டிருக்கும் பொது விற்பனை வரி மசோதாவைப்பற்றி என் கருத்துக்களைச் சிறிது விரித்துச் சொல்ல விரும்புகிறேன். அதற்குத் தங்கள் அனுமதியும் பொறுமையும் இருக்கும் என்று நம்புகிறேன்.

விற்பனை வரி என்று புதிதாக இந்த வரி 1939-ம் ஆண்டில் ஏற்படுத்தப்பட்டது. அப்போதே இதற்கு ஆட்சேபணையும் கூறப்பட்டது. காரணம், "சில்லரை வியாபாரிகள் கணக்கு வைக்குமளவு அனுபவமும், பணவசதியும் இல்லாதவர்கள்; அவர்கள் இந்த விகிதப்படி கணக்கு வைக்க வேண்டுமானால், அவர்களால் முடியாது ; அப்படிக் கணக்கு வைக்காமல் வியாபாரம் பண்ணினால், அது சம்பந்தப்பட்ட இலாகா அதிகாரிகள் வந்து அவர்களுக்குத் தொல்லைகள் கொடுப்பார்கள் ; அதனால் அவர்கள் மிகவும் சங்கடப்படுவார்கள் ; ஆகவே, இந்தமாதிரியான சட்டம் சில்லரை வியாபாரிகளை வெகுவாகப் பாதிக்கும்" என்று சொல்லப்பட்டது.

மேலும், பல முனை வரி விதிப்பதால் பண்டங்களின் விலைவாசிகள் கூடுவதால், சாதாரணமாகக் கிடைக்கக்கூடிய லாபத்துக்கு மேல் வரி கொடுக்க வேண்டியிருக்கும். அந்நிலைமையில் நாணயமான, வெளிப்படையான கொள்முதல் விற்று முதல் நடவடிக்கைகளுக்கு இடமிருக்காது. வியாபார ஒழுக்கம் கெட்டுப் போகும். வரி வருமானத்திலும் எதிர்பார்க்கவேண்டிய தொகையும் கிடைக்காது என்று எடுத்துக் காட்டப்பட்டது. வியாபாரிகள்

[Sri V. V. Ramaswami] [17th February 1959

மிகவும் சங்கடத்திற்கு உள்ளாகவேண்டியிருக்கும். லாபத்தை விட வரி அதிகமாகத் தரவேண்டியிருக்கும். பல தொல்லைகள் ஏற்படும். வரி கொடுக்காமலிருக்கக் கணக்கு வைத்துக்கொள்ள முற்படுவார்கள். லாபம் அடையக்கூடிய முறையில் வரி கொடுக்காமல் இருக்க முற்படுவார்கள். அதனால் போட்டி ஏற்படலாம். அதனால் நாணயமாக வியாபாரம் செய்யக்கூடியவர்களும் நாணயமில்லாமல் வியாபாரம் செய்யும் நிலைமை ஏற்படும். வியாபாரிகளுடைய ஒழுக்கத்தைப் பாழாக்கும். அதிகாரிகளை ஏமாற்றக்கூடிய நிலையும் ஏற்படும். இவ்வாறு எவ்வளவு சொல்லியும், அப்பொழுது அரசியலார் தங்களது மது விலக்குக் கொள்கையால் ஏற்பட்ட வருமானக் குறைவை ஈடு செய்வதில் முனைந்திருந்தபடியால், அவர்கள் வியாபாரிகள் சொல்லிய வாதங்களை ஏற்க மறுத்துவிட்டனர்.

மேலும், செக்ஷன் 3, மூன்றுவது உட் பிரிவுப்படி பத்தாயிரம் ரூபாய் வரையில் வரி விலக்குக் கொடுத்து, மற்றப்படி சரக்குகளை வாங்கு வோராகிய பொது மக்களிடம் வசூலித்துக் கொடுக்க வேண்டிய பொறுப்பு மட்டும்தானே என்று வியாபாரிகளுக்குச் சமாதானம் கூறப்பட்டது.

ஆயினும், வரி வசூலிப்புக் குறையினாலும், அமுல் செய்யும் அதிகாரி களின் கெடுபிடிகளாலும் ஏற்படும் தொல்லைகளை ஒவ்வொரு ஆண்டிலும் பொறுப்புள்ள தலைவர்களும் வியாபாரச் சங்கங்களும் பிரலாபித்துக் கொண்டே வந்தன. வரிப் பளுவைத் தாங்காமல் சங்கடப்பட்டுச் சிறை சென்றவர்களின் எண்ணிக்கையும் அதிகாரிகளின் தொல்லைகளும் பெருகிக் கொண்டே வந்தன. ஆனால் நிவாரணத்துக்கோ வழியில்லை. வியாபாரிகள் மாநாடு கூட்டி தங்கள் குறைகளை எடுத்துரைத்தால், வியாபாரிகள் கொள்ளை லாபமடிப்பவர்கள் போன்ற பல்லவிகள் அவர்களைப் பொது மக்களின் கோபத்துக்கு ஆளாகும்படி செய்தனவே அன்றி உண்மை நிலையை ஆராய அரசாங்கத்தார் முன்வந்தார்களில்லை. தத்தம் நிலைமைக்குகந்தபடியும், வசதிக்கு ஏற்றபடியும் அவரவருக்கு ஏற்படும் சங்கடங்களை நிவர்த்திக்க வரி செலுத்துவோர் நாணயமற்ற முறைகளைக் கையாளவும், வரி வசூலில் ஒழுக்கங்கெட்ட செய்கைகளைச் செய்யவும் இரு தரப்பாரும் சமூகக் கேடாக வளர்ந்து வந்தனர். இந்தப் பயங்கரப் போக்கை அரசியலார் கவனத்துக்குக் கொண்டுவந்தால், தங்களுக்கு வரி வருமானம் குறையாமல் வந்து கொண்டிருப்பதே போதுமென்று வாளாவிருந்தனர்.

4 p.m. ஆனாலும் கால்ப் போக்கில் வியாபாரிகள் யோக்கியமாகத் தொழிலை நடத்தவும், வெளிப்படையான கணக்குகளை வைத்துக்கொள்ளவும், அதி காரிகளின் தொல்லைகளுக்கு இடமில்லாமல் வாழ்க்கையை நடத்தி வர வேண்டியதற்கும் வரி விதிப்பு முறையையும் விகிதத்தையும் மாற்றி யமைக்க வேண்டியதும் கட்டாயமும் அவசரமும் ஆகிவிட்டது. வியாபாரி களின் கூக்குரலும் வலுவாக ஒலிக்க ஆரம்பித்தது.

1952-ம் ஆண்டில் அசெம்பிளியில் யான் உறுப்பினராகத் தேர்ந் தெடுக்கப்பட்ட காலத்தில் வரவு செலவுத் திட்டம் விவாதிக்கப்பட்டபோதும், மான்யம் ஒதுக்கப்பட்ட காலத்திலும் வியாபாரிகளின் கோரிக்கையை எடுத்துத் தெரிவித்தேன். அடுத்த ஆண்டில் நடைபெற்ற விவாதத்தின் போது, இப்பிரச்சினையை ஆராய்ந்து பார்த்து ஒரு முடிவு காண வியாபாரி களைக் கூட்டிவைத்துப் பேசவேண்டுமென்று யான் விடுத்த வேண்டு கோளை அது சமயம் விற்பனை வரி அமைச்சராக இருந்த திரு. பட்டாபி ராம ராவ் அவர்கள் முதலமைச்சராக இருந்த ராஜாஜி அவர்களின் அங்கீ காரத்தின் மேல் ஏற்றுக்கொண்டார். ஆனால், அந்தப்படி ஒரு மாநாட் டைக் கூட்டுவதற்கு முடியாமற் போய்விட்டது. காரணம் ஆந்திரம் தனி யாகப் பிரிந்து போனதால், அமைச்சரும் விலகிவிட்டார். நானும் அசெம் பிளி உறுப்பினர் பதவியை இழந்தேன்.

மீண்டும் யான் இம்மன்றத்தின் உறுப்பினனாகத் தேர்ந்தெடுக்கப்பெற்ற திலிருந்து வியாபாரிகளின் குறைபாடுகளை என்னாலியன்ற அளவு எடுத்துச் சொல்லிவந்தேன். சென்ற நான்கு ஆண்டுகளாகத் தமிழ் நாடு வர்த் தகக் கழகத்தின் சார்பாக நான்கு மாநாடுகள் நடத்தித் தீர்மானங்களை

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அரசாங்கத்திற்கு அனுப்பி வைத்தோம். அதோடு முதலமைச்சர், நிதி அமைச்சர், வருமானத் துறை அமைச்சர் ஆகியவர்களை வாய்ப்பு ஏற்பட்ட நேரங்களிலும் இடங்களிலும் பேட்டி கண்டு விண்ணப்பங்களைக் கொடுத்து வந்திருக்கிறோம். எங்கள் கோரிக்கைகளெல்லாம் சில்லரை வியாபாரி களின் தொல்லைகளை நீக்க வரி விலக்கு வரம்பைப் பத்தாயிரத்திலிருந்து முப்பதினாயிரத்திற்கு உயர்த்த வேண்டும் என்பதும், உணவுப் பொருள் களுக்கு வரியிலிருந்து விலக்குக் கொடுக்க வேண்டுமென்பதும், பல முனை யிலிருந்து ஒரு முனையாக ஆக்க வேண்டும் என்பதுமாகும். இவைகளை வலியுறுத்தும்போதெல்லாம் வியாபாரிகள் வரி கொடுக்க மறுக்கவில்லை, எதிர்க்கவில்லை. கொடுக்கத் தயாராக இருக்கிறோம். ஆனால் சங்கடமில் லாமல் வாங்கிக்கொள்ளுங்கள்; ஒழுக்கமாக நடந்துகொள்ள வழிவகை செய்து கொடுங்கள் என்றுதான் வணக்கமாய்த் தெரிவித்துக்கொள்ள வந்திருக்கிறோம்.

தொடர்ந்து நான்கு ஆண்டுகள் தமிழ் நாடு வர்த்தகக் கழகம் கிளர்ச்சி செய்து வரவே, அரசாங்கமும் சற்று செவி சாய்க்க முன்வந்தது. சென்னை யிலுள்ள மாநில விற்பனை வரி ஆலோசனைக் குழுவை எல்லா மாவட்டங் களுக்கும் பிரதிநிதித்துவம் கொடுத்து விரிவுபடுத்தினார்கள். ஒவ்வொரு மாவட்டத்திலும் ஒரு ஆலோசனைக் குழுவைக் கலெக்டர் தலைமையில் நியமித்தார்கள் இந்த ஏற்பாட்டினால், வியாபாரப் பிரதிநிதிகள் நடை முறையில் ஏற்படும் தொல்லைகளையும், சிக்கல்களையும் அந்தந்தக் குழுக் கூட்டத்தில் சொல்லி நிவாரணம் தேடிக்கொள்ள ஏது ஏற்பட்டது.

இதற்கு மேல் குறிப்பாக விற்பனை வரிச் சட்டத்தை அமல் செய்வதை எப்படி எளிதாக்கலாம், சொல்லப்படும் சங்கடங்களை எப்படி நீக்கலாம் என்பன போன்றவைகளை விசாரித்து ஆராய்ந்து அரசாங்கத்துக்கு யோசனை கூறுவதற்கு ஒரு வெளிநாட்டு நிபுணரை அழைக்க உத்தேசித்திருப்பதாக நிதி அமைச்சர் அவர்கள் 1956-ல் தெரியப்படுத்தினார்கள். இந்த யோசனையை வியாபாரிகளாகிய நாங்களெல்லோரும் வரவேற்றுப் பாராட்டி னோம். பின்னர் பொதுத் தேர்தல் குறுக்கிடவே மேல் நடவடிக்கை எடுக்கப் படவில்லை. பொதுத் தேர்தல் முடிந்து, புதிய அமைச்சர் அவையில் இடம் பெற்ற திரு. வெங்கட்ராமன் அவர்கள் எங்கள் நெடுநாளைய விருப்பத்தைத் தெரிந்து டாக்டர் பி. எஸ். லோகநாதன் அவர்களை இம்முயற்சியில் ஈடுபடும்படி கேட்டுக்கொண்டார். அனுபவம் வாய்ந்த நிபுணர் அவர்களும் முக்கிய வியாபார இடங்களுக்கெல்லாம் சென்று வியாபாரச் சங்கங்களையும், பொறுப்புள்ளவர்களையும் சந்தித்து நிலைமையை நன்கு ஆராய்ந்து நல்ல தோர் அறிக்கையைக் கொடுத்தார். அந்த அறிக்கையானது விற்பனை வரி செலுத்தும் வியாபாரிகளுக்கெல்லாம் திருப்தியாக அமைந்திருந்ததென்று சொல்லலாம்.

ஆனால், டாக்டர் லோகநாதனின் சிபார்சுகளை அடிப்படையாக வைத்துத் தயார் செய்யப்பட்டதாகச் சென்ற ஆண்டில் கொண்டுவரப்பட்ட—இப்பொழுது விவாதத்தில் இருக்கும்—மசோதாவானது எங்களுக்கு மன நிறைவு கொடுக்கவில்லை. பீதியையும் கலக்கத்தையும்தான் கொடுத்தது. ஆகவே, மாநில விற்பனை வரி ஆலோசனைக் குழுக் கூட்டத்தில் நாங்கள் தெரிவித்த யோசனையை ஏற்றுக்கொண்டு ஒரு ஆண்டுக்கு ஒத்திப் போட அமைச்சர் அவர்கள் சம்மதித்தார்கள். சட்ட சபையும் ஒப்புக்கொண்டு இம்மசோதாவைப் பரிசீலனை செய்ய நியமிக்கப்பெற்ற பொறுக்குக் குழுவும் நிதானமாகவும், சாவதானமாகவும் பரிசீலிக்க இடம் கொடுக்கப்பட்டது. இது வரையிலும் எங்கள் வேண்டுகோளுக்கெல்லாம் மதிப்புக் கொடுத்துப் பட்சம் காட்டிய முதலமைச்சர் அவர்களுக்கும், நிதி அமைச்சர் அவர்களுக் கும், நம் சட்ட மன்றத்தின் முதல்வர் திரு. வெங்கட்ராமன் அவர்களுக் கும் நாங்கள் மிகவும் நன்றியறிதல் உள்ளவர்களாக இருக்கிறோம்.

இந்தப் பொறுக்குக் குழுவில் இம்மன்றத்தின் பிரதிநிதிகளாக ஐந்து உறுப்பினர்களைப் பார்வையாளர்களாகச் சேர்த்துக்கொண்டதற்கு அசெம் பிளி உறுப்பினர்களுக்கும் நன்றியைச் செலுத்திக்கொள்கிறேன் அந்தக்

குழுவில் எனக்கும் ஒரு இடம் கிடைத்தது, கனம் திரு வெங்கட்ராமன் அவர்களுக்கு என்பால் உள்ள நம்பிக்கையையும் அனுதாபத்தையும் காட்டியதென்று நன்றியுடன் சொல்வேன். பொறுக்குக் குழுக் கூட்ட நடவடிக்கைகளில் அமைச்சர் அவர்கள் ஒவ்வொரு பிரிவைக் கவனிக்கும் போதும், ஒவ்வொரு உறுப்பினரையும் கேட்டுத் தெரிந்து, சிக்கல்களை எப்படியாவது தீர்க்கவேண்டுமென்பதில் அவர் காட்டிய ஆவலும் ஆர்வமும் மிகவும் பாராட்டத்தக்கவையாக இருந்தன

ஆயினும், முடிவில் எதிர்பார்த்த திருப்தியைத் தரக் கூடியதாக இம்மசோதா அமையவில்லையென்று ஏமாற்றத்துடன் தெரிவிக்கவேண்டியவனாக இருக்கிறேன். நிதி அமைச்சர் அவர்கள் தீட்டும் திட்டங்களுக்கு வேண்டிய நிதி வருவாயானது, தான் மேற்கொண்டுள்ள விற்பனை வரிப் பரிசீலனையால் குறைந்து போய்விடக் கூடாதே என்ற தயக்கமும், அச்சமும் தான் அமைச்சர் திரு. வெங்கட்ராமனை முன்னுக்கும் பின்னுக்கும் போகவிடாமல் தடுத்துவிட்டன என்று உறுதியாகச் சொல்லக்கூடும்.

டாக்டர் லோகநாதனின் நல்ல சிபாரிசுகளை ஏற்றுக்கொள்ளவில்லையே என்று கேட்டால், அரசாங்கத் தரப்பில் சொல்லப்படும் சமாதானம் என்ன ? வியாபாரிகள் உணவுப் பொருள்களுக்கு வரி விலக்குக் கேட்கிறார்கள்—டாக்டர் அவர்களோ, எவ்வித விலக்கும் கொடுக்கப்படாதென்று சொல்லியிருக்கிறார். வியாபாரிகள் இதை ஏற்றுக்கொள்ளாததேன் ? மேலும் டாக்டர் லோகநாதன் கைத்தறித் துணிக்கு வரி போட வேண்டுமென்று சொல்லியிருக்கிறார். நாங்கள் வரி விலக்குக் கொடுத்திருக்கிறோம். 'இதை வேண்டாமென்று வியாபாரிகள் சொல்ல முன்வருவார்களா ?' என்று கேட்கப்படுகிறது.

டாக்டர் லோகநாதன் அவர்கள் தன் சிபாரிசுகளுக்குக் காரணமும் மாற்றமும் கொடுத்திருக்கிறார். அமைச்சர் அவர்களோ காரணத்தை மாத்திரம் காட்டுகிறார். ஆனால், மாற்றத்தை ஏற்றுக்கொள்ள மறுக்கிறார்.

4-10 p.m. மேலும், டாக்டர் அவர்கள் வியாபாரிகளுடைய முறையீட்டில் உண்மை இருக்கிறதென்பதை வலியுறுத்தி அந்தக் குறைகளை நீக்கினால்தான், ஒழுங்கானவர்களும், நாணயம் உள்ளவர்களும் வாழ முடியும் என்றும் அஞ்சாமல் கொஞ்சம் தைரியமாக வரி விகிதம் குறைவாக மாற்றப்பட்டால், வியாபாரம் பெருகி வரி வசூலும் சரிவர நடக்குமென்று எதிர்பார்க்கலாம் என்றும் சுட்டிக் காட்டியிருக்கிறார். ஆனால், அமைச்சர் அவர்களோ, 'எனக்குப் பணம் குறைந்துவிட்டால், என்ன செய்வது ? இப்படிப்பட்ட சோதனையைச் செய்து பார்ப்பதற்கு நான் ஆயத்தமாக இல்லை' என்று சொல்லிவிட்டார்கள்.

மேலும், ஒருமுனை வரி விதிப்பு வேண்டுமென்று கேட்டவர்களெல்லாம் பல கட்ட வரிதான் வேண்டுமென்று கேட்கிறார்கள் என்ற கேலிப் பேச்சும் நடைபெறுகிறது. இந்த இடத்தில் ஒன்று அழுத்தமாகச் சொல்ல விரும்புகிறேன். ஒரு முனை வரி கேட்டவர்கள் இன்னும் அதைத்தான் கேட்கிறார்கள். கேட்டவர்கள் உணவுப் பொருள்கள், காய், தான்யம், பலசரக்கு, காய்கறி முதலிய சீக்கிரம் கெட்டுப் போகும் பண்டங்களில் வியாபாரிகள் கேட்டோம், கேட்கிறோம். அவர்களின் பிரதிநிதியாகத்தான் தமிழ் நாடு வர்த்தக் கழகத்தவர் சென்ற நான்கு ஆண்டுகளாகக் கிளர்ச்சி செய்துகொண்டிருக்கிறார்கள். ஏனைய சங்கங்கள் அவ்வளவு அக்கறை கொள்ளவில்லை. ஆனால், புதிய மசோதாவில் ஒரு முனையில் போடப்படும் வரி விகிதத்தை 3, 5, 7 என்று கூட்டிப் போடவே, அவர்கள் விழித்துக் கொண்டு ஒலிக்க ஆரம்பித்துவிட்டார்கள். அவர்கள் ஒலி மாத்திரம் கோட்டையில் வலுவாகக் கேட்பது விந்தைதான்.

வியாபாரம் ஒழுங்காகப் பெருகுவதற்கும் வரியும் சரியாக வசூலாவதற்கும் பலமுனை வரி விகிதத்தை ½ பர்சன்ட் போட வேண்டுமென்று டாக்டர் லோகநாதன் கூறியுள்ளார். அந்தச் சிபாரிசு ஏன் ஏற்கப்பட

17th February 1959] [Sri V. V. Ramaswami]

வில்லே ? ஒரு முனை வரி 6 பர்சன்ட் வீதம் வேண்டாமென்றால், பல கட்டத்தில் போடுகிறேன். ஆனால், 2 பர்சன்ட் வரி விகிதம் என்று அமைச்சர் சொல்கிறார். சம்பந்தப்பட்ட வியாபாரிகள் தங்களைப் பாதிக்காத அளவில் 2 பர்சன்ட் பல கட்டம் இருக்கட்டும் என்று ஒப்புக்கொள்கிறார்கள். அரசியலாரும், அவர்களைச் சார்ந்தவர்களும் ஒருமுனை வரி விதிப்பதை ஆதரிக்காவிட்டாலும், இப்பொழுது 63 பண்டங்களுக்கு முதல் பட்டியலில் காட்டியபடி ஒரு முனையில்தான் வரி விதிக்கப்படும் என்பது வரவேற்கத் தக்கது. இதேபோல்தான் எல்லாப் பண்டங்களுக்கும் கூடிய வரையில் சாத்தியப்பட்ட கட்டத்தில் ஒருமுனை வரியாக இருக்கவேண்டுமென்பதுதான் எங்கள் கோரிக்கை. இப்பொழுது இருக்கும் சட்டம் செக்ஷன் 6 (1)-ன்படி முட்டை, மாமிசம், மீன், பூ, காய்கறிகள், பழங்களுக்கு வரியிலிருந்து விலக்கு உண்டு. ஆனால், அவைகளுக்குப் புதுச் சட்டப்படி வரி உண்டு. இந்தத் தொழிலில் ஈடுபட்டவர்கள் விலக்கு இருக்கவேண்டுமென்று மன்றாடியிருக்கிறார்கள். கொடுத்த சலுகையைப் பறிப்பதென்றால், அது மனத்திலே எவ்வளவு கடினம் இருக்கிறதென்பதைத்தான் காட்டுகிறது. புதிய சட்டம் செக்ஷன்கள் 8,17-ன் படியாவது மீண்டும் சலுகை கொடுக்கத் தாராள சிந்தை ஏற்படவேண்டுமென்று விரும்புகிறேன்.

இப்பொழுது அமுலில் இருக்கும் சட்டம் செக்ஷன் 3 (3) படி அமைத்த ஷரத்துக்குக் குறையாமே ஒரு ஆண்டுக்கு வியாபாரம் நடந்தால், எந்தப் பொருள் விற்றாலும் அவருக்கு முழுவரி விலக்கு உண்டு. ஆனால் புதிய சட்டத்தில் அந்தச் சலுகை கொஞ்சங்கூட இல்லையே கொண்டுவந்திருக்கும் சட்டப்படி செக்ஷன் 3, பிரிவு 2-ன்படி முதல் பட்டியலில் கண்ட எந்தப் பொருளில் வியாபாரஞ் செய்தாலும் ஒரு ஆண்டுக்கு எவ்வளவு குறைந்த மொத்தத் தொகையானாலும் வரி கொடுக்கத்தான் வேண்டும். இது என்ன ? சலுகை கொடுப்பதா ? இருப்பதையும் பறிப்பதா ?

நான் முன்பு சொல்லியபடி பூ, பழம், முட்டை, மீன், மாமிசம், காய்கறிகளுக்கு வரியே இல்லாமலிருந்தது. இதில் ஏதாவது ஒரு பண்டத்தில் மாத்திரம் முப்பதினாயிரத்துக்குக் குறையாதத் தொழில் நடந்தால் வரி கொடுக்க வேண்டியதில்லையென்று புதிய சட்டம் கூறுகிறது. வெற்றிலே வியாபாரம் செய்கிறவன் பாக்கும் வைத்து விற்க வேண்டுமே. மீன் விற்பவன் பக்கத்தில் கருவாடும் வைத்திருப்பான். பழனிக்குப் போயிருந்தேன். கோயிலுக்குப் போகிறவர்களுக்கு அர்ச்சனைத் தட்டு கொடுப்பார்கள். அதில் பூ, பழம், தேங்காய் எல்லாம் இருக்கும். இதில் தேங்காயும், கர்ப்பூரமும் அவன் விற்கிறான். இதில் எப்படி வரிச் சரக்கு, வரி இல்லாத சரக்கு என்று பிரித்துக் கணக்கு எழுதுவது ?

SRI K. T. KOSALRAM: ஸ்ரீ வி. வி. ஆர். கோயிலுக்குக் கூடப் போகிறாரா ?

THE HON. SRI R. VENKATARAMAN: விற்பனை வரி ரத்தாக வேண்டுமென்று கோயிலுக்குப் போகிறார் போலிருக்கிறது.

***SRI V. V. RAMASWAMI**: அமைச்சர் திரு. வெங்கட்டராமன் அவர்கள் விற்பனை வரியை எடுக்கவேண்டுமென்று நான் கோயிலுக்குப் போனாலும், அது வீணாகத்தான் போகும். பிரயோசனம் இருக்காது. நான் சொல்ல வந்தது, எப்படி அந்த வியாபாரியால் இது வரிச் சரக்கு விற்பனை, இது வரி இல்லாத சரக்கு விற்பனை என்று பிரித்துப் பிரித்துக் கணக்கு எழுத முடியும் என்பதுதான். சலுகை முப்பதாயிரத்துக்குக் கொடுத்திருப்பதாகக் காட்டினாலும் நடைமுறையில் இச்சலுகை கிடைக்க வழியில்லையே. இப்பொழுது இருக்கும் சட்டம் செக்ஷன் 16-ன் படி சட்டத்தில் கண்டுள்ள குற்றங்களைச் செய்பவர்கள் அபராதம் கொடுத்து 'சம்பவுண்டு' பண்ணிக்கொள்ளச் சலுகை கொடுக்கப்பட்டிருந்தது. ஆனால், புதிய சட்டம் 45-வது பிரிவின்படி ஆறு மாதம் சிறைவாசத் தண்டனை கொடுக்க இடம் ஏற்படுத்தப்பட்டிருக்கிறது. இந்த அதிகாரம் கொடுக்கப்பட்டி

ருப்பது வீணன் தொல்லைக்கும் தகாத ஊழலுக்கும் இடம் கொடுக்குமென்றே அஞ்சுகிறேன். வியாபாரிகளை இந்தக் காரியங்களில் குற்றவாளிகளைப் போல பாவிப்பது மிகவும் கொரேமானதென்றே சொல்கிறேன்.

THE HON. SRI R. VENKATARAMAN : 'Second and subsequent offences in respect of matters which are really criminal in character' என்று சொல்லப்பட்டிருக்கிறது. வேண்டுமென்றே பொய்க் கணக்குக் கொடுத்தாலும், வேண்டுமென்றே ஒரு வியாபாரி தடை செய்தாலும் அதிகாரிகள் போய்ப் பரிசீலனை செய்யவிடாது—கிரிமினல் குற்றத்தைச் செய்வது என்று கருதி தண்டிக்க வழி இருப்பது 'ப்ரொசீஜர்'.

* SRI V. V. RAMASWAMI : இருந்தாலும் வியாபாரம் செய்கிறவனை அந்த நிலைக்குக் கொண்டுபோகாமல், அவன் கௌரவமாக வியாபாரத்தை நடத்த விடவேண்டும். தப்புப் பண்ணுகிறவர்களுக்கு அதிகமாக அபராதம் விதித்து வியாபாரஞ் செய்ய முடியாதவாறு தடைப்படுத்தலாமே.

டாக்டர் லோகநாதன் வரி விதிப்பு இலாகா, அப்பீல் இலாகா, துப்பும் புள்ளி விவரமும் சேகரிக்கும் இலாகா என்று தனித்தனியாகப் பிரிக்க வேண்டுமென்று சொன்னார். புள்ளி விவரம் சேகரிக்கும் பிரிவினர் கணக்குகளை அடிக்கடி சோதிக்கும்போது, வரி விதிப்புப் பிரிவினரும் தாங்களும் சோதனை செய்ய வேண்டுமென்று தொல்லை கொடுப்பது தடுக்கப்பட வேண்டும். வரி விதிப்புத் தவிர வேறு அலுவல் இருக்கக் கூடாது. அப்பீல் பிரிவில் டிரிப்யூனல், ஹைகோர்ட்டுக்குக் கீழ் வேலை செய்கிறது. அதேபோல் அபலட் அசிஸ்டெண்ட் கமிஷனரும், டிரிப்யூனலுக்குக் கீழடங்கியவராக இருக்க வேண்டும். போர்டின் நிர்வாக அதிகாரத்திலிருந்து பிரிக்கப்பட வேண்டும்.

4–20 p.m.

இம்மாதம் 8-ம் தேதி சென்னையில் செயிண்ட் மேரீஸ் மண்டபத்தில் தமிழ் நாடு வர்த்தகக் கழகத்தின் சார்பில் மாநில வியாபாரிகளின் மகாநாடு நடந்தது. நிதிப் பிரச்சினைகளில் மிக்க அனுபவமும் திறமையும் வாய்ந்த திரு. கே. சந்தானம் அவர்கள் தலைமை வகித்து நல்ல யோசனைகளைக் கூறியிருக்கிறார்கள். நம் அன்புக்குரிய முதலமைச்சர் திரு. காமராஜ் அவர்கள் மகாநாட்டை ஆரம்பித்து வைத்தார்கள். ஆனால், நமது மதிப்பிற்குரிய அமைச்சர் கனம் திரு. வெங்கட்டராமன் அவர்கள் மகாநாட்டுக்கு வர முடியாமல் வெளியூருக்குச் செல்ல நேர்ந்தது எங்களுக்கு மிக்க ஏமாற்றத்தைக் கொடுத்துவிட்டது. மகாநாட்டில் நிறைவேற்றப்பட்ட தீர்மானங்களைக் கனம் அமைச்சர் அவர்களுடைய சொந்தப் பார்வைக்கு, நேரிடைப் பார்வைக்கு அனுப்பி வைத்திருக்கிறோம். அதையொட்டி அனேக திருத்தங்கள் கொடுத்திருக்கிறேன். மசோதா பிரிவு பிரிவாக ஆலோசனைக்கு எடுத்துக்கொள்ளப்படும்போது, அவைகளைப்பற்றி மீண்டும் பேசலாம் என்று உத்தேசித்திருக்கிறேன்.

சிறு வியாபாரிகளுக்கு மொத்த வரி விலக்குக் கொடுக்க வேண்டுமென்றும் உணவுப் பொருள்கள் முதலியவைகளுக்கு முழு விலக்கு அளிக்கப்பட வேண்டுமென்றும் பலமுனை வரி விகிதம் குறைத்துப் போடப்பட வேண்டுமென்றும் மீண்டும் வலியுறுத்துகிறேன்.

விற்பனை வரி விகிதத்தில் மாற்றம் செய்தால், மொத்த வருமானம் ஏதாவது குறைந்துவிடுமோ என்று அரசாங்கம் அஞ்சுவதாகத் தெரிகிறது. இப்போது நம் நாட்டில் நல்வாழ்வு ராஜ்யத்தை (வெல்பேர் ஸ்டேட்டை) அமைக்க முயன்று வருவதாக அரசாங்கத்தார் சொல்கிறார்கள். நல்வாழ்வு ராஜ்யத்தில் எல்லா மக்களும் திகில் இல்லாமல் இருக்க வேண்டும். எனவே, நல்வாழ்வு ராஜ்யத்தில் வியாபாரிகள், தங்களிடமிருந்து அரசாங்கம் அநியாயமாகத் தொல்லைகளைக் கொடுத்து வரி வசூலித்துவிடுமோ என்று பயப்படக்கூடிய நிலைமை இருக்கக் கூடாது. திட்டங்களை நிறைவேற்றுவதற்கு வேண்டிய பணத்திற்காக வரி போட வேண்டி

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யிருப்பதால், அதிக வரி போடுகிறோம் என்று அரசாங்கத்தார் சொல்கிறார்கள். வரியைக் குறைக்கவும் அரசாங்கத்தார் தயாராயில்லை. "நாங்கள் எக்ஸ்பெரிமெண்ட் பண்ணவும் தயாராயில்லை" என்று அரசாங்கத்தார் சொன்னால், அது சரியல்ல. அரசாங்கத்திற்கு விற்பனை வரியின் மூலம் 1957–58-ம் ஆண்டு வந்த வரும்படி இனிமேல் குறையாமல் ஒவ்வொரு வருஷமும் வந்துகொண்டிருந்தால் திருப்திதான் என்று கனம் அமைச்சர் சொன்னால், நான் ஒரு யோசனை சொல்ல விரும்புகிறேன். 1957–58-ல் அரசாங்கத்திற்கு 11 கோடியே 78 லட்சம் ரூபாய் விற்பனை வரியின் மூலம் வந்தது. வரும் வருஷங்களில் அந்தத் தொகைக்குக் குறையாத அளவிற்கு வசூலிக்க எதிர்பார்க்கிறார்கள்.

THE HON. SRI R. VENKATARAMAN : 14 கோடி ரூபாய் வரும் என்று எதிர்பார்க்கிறோம்.

* SRI V. V. RAMASWAMI : இனிமேல் 11 கோடியே 78 லட்ச ரூபாய்க்குக் குறையாமல் வந்தால் அரசாங்கத்தார் திருப்திப்படுவார்களா என்று அறிய விரும்புகிறேன். அப்படி அவர்கள் திருப்திப்படுவார்களானால், அவர்கள் ஒன்று செய்யலாம். தொடர்ந்து மூன்று வருஷங்களுக்கு, வியாபாரிகளிடம் விற்பனைக் கணக்குகளைக் கேட்காமல் எல்லா வியாபாரிகளிடமிருந்தும், 1957–58-ம் ஆண்டில் வசூலித்த தொகையையே வசூலிக்கலாம். உங்களுக்குத் தேவையான பணத்தைக் கொடுத்து விடுகிறோம். கணக்குகளைக் கேட்டு எங்களைத் தொந்தரவு பண்ணாதீர்கள். இது என்னுடைய யோசனை இல்லை. இது புதிய யோசனை இல்லை. இந்த யோசனையை திரு. கே. சந்தானம் அவர்களே தம் அறிக்கையில் சொல்லியிருக்கிறார்கள்.

'The suggestion will be considered and not rejected merely on an account of its novelty' என்று அவர் சொல்லியிருக்கிறார்.

'In this country, it is necessary to improvise measures suitable to our country' என்றும் அவர் சொல்லியிருக்கிறார். இதை 'அன்ஸயண்டிபிக் எக்ஸ்பெரிமெண்ட்' என்று கருதித் தள்ளிவிடக் கூடாதென்று அரசாங்கத்தாரைக் கேட்டுக்கொள்கிறேன்.

இறுதியாக, இந்த வரியைச் செலுத்துவோர்கள் தங்களுக்குள்ள சங்கடங்களையும் தொல்லைகளையும் எவ்வளவு சொல்ல முடியுமோ அவ்வளவும் சொல்லிவிட்டார்கள். அவர்களுடைய கோரிக்கைகளை அனுதாபத்துடன் கவனிக்க இன்னும் காலம் தவறிவிடவில்லை என்று சொல்லிக்கொண்டு என் உரையை முடிக்கிறேன்.

வணக்கம்.

SRI K. T. KOSALRAM : கனம் தலைவர் அவர்களே, பொறுக்குக் கமிட்டியில் அங்கம் வகித்த அங்கத்தினர்கள் ஏற்கெனவே தங்கள் யோசனைகளை அங்கே அதிகம் கொடுத்திருக்கிறார்கள். அவர்களைத் தவிர மற்றவர்களுக்கு இங்கே பேசுவதற்கு அதிக சந்தர்ப்பம் கொடுத்தால் நன்றாக இருக்கும் என்று நினைக்கிறேன். என்னுடைய இந்த யோசனையைக் கனம் தலைவர் ஏற்றுக்கொள்வார் என்று நினைக்கிறேன்.

THE HON. SRI R. VENKATARAMAN : The difficulty is nobody has given his name.

SRI MOHAMED RAZA KHAN : May I say that, after all, it is the prerogative of the Opposition to initiate the debate on important matters? Mr. Kosalram can have as much time as possible. In fact, we must all be happy that an expert Member has initiated the debate. Nobody can have any valid objection.

SRI K. T. KOSALRAM : My suggestion is that Members other than those who have participated in the deliberations of the Select Committee may be given a chance to speak. Members who were on the Select Committee have already given their suggestion. The House must know the opinions of the other Members of the House. There is no point in Members going on repeating their suggestions. It is not necessary.

(Sri M. Ethirajalu in the Chair.)

* SRI T. PURUSHOTHAM : Let me first congratulate you, Sir, on occupying the Chair.

As hon. Members may be aware, I have been actively associating myself with the Merchants' Associations and organizations and their conferences beginning from the very first conference at Erode and I have also been representing their case in this House ever since my entry here. This subject of sales tax law and sales tax administration came up for frequent discussion and was put to bitter criticism in this House. For one thing, apart from the other points raised by the hon. Member Sri V. V. Ramaswami, the hon. Member Sri O. P. Ramaswami Reddiar, former Chief Minister, was harping on tax evasion and the need for tightening up the administrative machinery with a view to avoid leakage in the levy and collection of the tax. He was emphatic that the State revenues under this tax would be double or even treble if tax evasions were checked. That was one aspect of the matter that was again and again pressed in this House. Next we had bitter complaint about harassment of petty dealers under the sales tax law, as stated by the hon. Member Sri V. V. Ramaswami. The Merchants' Associations started a Statewide agitation just before the last general elections and as a result of the State conference held in the Madras City, at which the hon. the Deputy Leader of the Opposition Sri K. Balasubramanya Ayyar, the hon. Member Sri V. V. Ramaswami and I also were present, cases of harassment by the departmental officials were brought to the notice of the Government. And soon after when the Legislature met, we represented these matters in this House also and the Hon. Minister in charge of the portfolio then, the Hon. Sri M. A. Manickavelu, assured us that he would be issuing very strict instructions in the matter.

4-30 p.m.

Then, Sir, there was the demand for levy of sales tax at a single point. Faced with these problems, when the Hon. Sri R. Venkataraman took charge of the portfolio, he realised the need for rationalisation of the system of levy fo sales tax and the simplification of the law and, as has been so rightly pointed out and complimented by the hon. Member Sri V. V. Ramaswami, the Hon. Minister deserves all the congratulations on having done his best to evolve a new Bill to meet all these demands that I referred to just now without, of course, affecting the State revenues. I am sure none of us here, not even the hon. Member

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Sri V. V. Ramaswami would ever say and even in the discussions of the Merchants' Associations, there has never been any demand that the tax should be removed altogether and for the matter of that, we could not afford any reduction in the State revenue under this head.

Looking at the Bill that has been presented to us with the Report of the Select Committee and the changes made by the Legislative Assembly, it would be noted that provision has been made in the Bill for the due collection of the tax and for tackling all possible sources of tax evasion. That has been one of the chief concerns in this House, as I stated, and that has been effectively provided for in this Bill. I am sure no one would object to the provisions made in this behalf.

As regards the next point, namely, harassment of petty dealers, various provisions have been introduced for the needed improvements on the old Act. The recommendations of Dr. Lokanathan have been accepted in this behalf. Hon. Members would be glad about the liberal provisions made in the Bill with a view to remove the difficulties of merchants. Small dealers with a turnover below Rs. 25,000 will have the option to pay the tax at compounded rates. The turnover limit for purposes of registration has been raised from Rs. 4,000 to Rs. 7,500. Different channels of tax appeals and revision petitions have been provided. I have been meeting a number of merchants and representatives of Merchants' Associations and I am glad to tell this House that the merchants generally do appreciate the salutary provisions made in this Bill. It is because of their general approval of the provisions of this Bill, the Hon. Minister and the hon. Members would have noted, that even at the conference held the other day at the St. Mary's Hall, only a few resolutions had been adopted, that a general welcome has been accorded to the Bill and that the Hon. Minister in charge of the Bill has been complimented on his sympathetic approach to this problem.

The hon. Member Sri V. V. Ramaswami has referred to certain proposals made by my respected Friend Sri K. Santhanam with regard to other sources of revenue that could be introduced if there should be no loss under this tax. Apart from the question of the levy of tax on the average of previous three years' levy, other suggestions have been made by the President of the Merchants' Conference and I am sure when the proceedings of that conference with the resolutions and the Presidential address are received by the Government, they would have them all duly examined and see what can be done on the lines suggested by an expert like Sri K. Santhanam.

As regards the third point that I referred to, namely, the levy of tax at a single point, the desire of the concerned trade has been taken into consideration and a single-point or a multi-point levy

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has been provided for in accordance with the wish of the respective trade. In fact, Sir, I have been attending, as I said, these conferences of the merchants at which there has been an eloquent plea for the introduction of sales tax at a single point. But I was surprised when, as a Member of the Select Committee, I was faced with representations from several trades pleading for a multi-point levy and not for a single-point levy. And as I said, the request of the various classes of merchants has been complied with.

4-40 p.m.

It is a matter for gratification, Sir, that the pattern of penalty for offences under this Act has been changed. Merchants' Associations have been complaining about the number of merchants who have been convicted and sent to jail for non-payment of tax. But now I am happy to find that imprisonment as a form of punishment has been taken away from the sales tax law. Of course, as has been stated now, in clause 45 of the Bill, only in respect of fraudulent and dishonest cases, provision is made for simple imprisonment and that too only in the event of second or subsequent convictions. In all other cases only a penalty of fine is provided for in this new Bill.

The Hon. Minister referred to the objection that had been raised with regard to the power intended to be taken by the Government to amend Schedules. The Hon. Minister has explained in detail the need for this provision and there is such a provision in the Indian Tariff Act. After all, we are having a democratic set-up of an Executive responsible to the Legislature and there will be no harm in making a provision of this kind to meet the emergencies referred to by the Hon. Minister. There need be no misapprehension whatsoever that the provision will be misused by the Executive. No Government will ever misuse the power. Of course, it is left to my legal friends like Sri K. Balasubramanya Ayyar to tell us about the legal aspect of the provision but we were assured in the Select Committee that this was perfectly in order. I leave it to the hon. Member to raise the question how far this provision would be justified on legal grounds. The power vested in the Government, I feel, Sir, could be used for very good purposes. Urgent representations from the public could also be favourably considered for revision of the Schedule in deserving cases. Of course, I know that there is the power to notify exemptions and reduction of tax provided in clause 17 of the Bill. That is also a very necessary provision. I refer only to one point that strikes me here. If it is considered, for instance, that the 6 per cent rate of tax in the case of camphor trade is high and that an urgent revision of the rate is called for in view of the great demand for camphor for religious or medicinal purposes, I am sure, the Government would be able to consider such requests. While on this subject of exemption, I wish to make an appeal to the Government that they should favourably consider the question of exempting fresh vegetables and fresh fruits from the levy of the

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tax and the reduction of tax on foodgrains. Of course, in the case of fresh vegetables and fresh fruits, betel leaves, egg, meat, etc., petty dealers having an annual turnover up to Rs. 50,000 will be exempted from the liability to pay the tax. We are also glad to note that the Hon. Minister has assured us that he would consider further revision of the maximum limits provided in this legislation in the light of the working of the Bill. I hope he would also consider the cases of these necessary articles of food for exemption from this tax.

He also referred to the question of the reduction of the rate of tax in the case of country 'chekkus'. I have been associated with that problem and thanks to the then Chief Minister, our revered Rajaji, exemption was granted to country 'chekkus' altogether as a cottage industry. I hope the Hon. Minister would consider this over again and see if, under the provisions of this new Bill, complete exemption could not be granted to the country 'chekkus' which have enjoyed exemption from the tax, having been classified as a cottage industry.

Lastly, I wish to thank the Hon. Minister for associating the Members of this House with the Select Committee appointed to examine this Bill. It only pained me to note that in the proceedings of the Select Committee, the Members of this House were shown as a separate caste as invitees. As you and hon. Members are aware, I have been vehemently advocating equal rights and equal treatment for hon. Members of this House. The Constitution has provided for such a thing and I find that in the Lok Sabha and the Rajya Sabha, even in the case of Money Bills, Joint Select Committees of both the Houses are constituted. I request that the same convention should be followed here as well and that we should have Joint Select Committees and not the system of invitees. I know, Sir, how keenly our Hon. Minister is anxious to set up healthy parliamentary conventions and I am only mentioning this in the fullest hope that, as Leader of the House, he would bestow his kind attention on the point that I have raised now. I for one sincerely wish, Sir, as was happily anticipated by my hon. Friend, Sri V. V. Ramasami Nadar (Sri V. V. Ramaswami: No 'Nadar' please), very well, Sri Ramaswami, that this Bill will get us greater and greater income not only on account of the rates provided herein, but also by avoiding and checking tax evasions. If our anticipations should prove true, I trust the Hon. Minister would not hesitate to revise the sales tax structure and give relief to the merchants in all possible ways, especially in the case of foodgrains and all foodstuffs, fruits, milk, vegetables, etc.

4-50 p.m.

With these words. I support the Bill.

Sri K. T. KOSALRAM: தலைவர் அவர்களே, இந்த மசோதாவானது வெகு நாட்களுக்கு முன்பாகவே கொண்டுவரப்பட்டிருக்க வேண்டிய ஒரு மசோதாவாகும். சட்டசபையில் நிறைவேற்றப்பட்ட இந்த விற்பனை

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வரிச் சட்டம் இந்த ராஜ்யத்தில் அமுலாக்கப்படவில்லை என்பது என் அபிப்பிராயம். சட்டசபையில் ' பாஸ் ' செய்த சட்டங்கள் எல்லாம் கோர்ட்டுகளில் செல்லுபடியாகாமல் போய், கோர்ட்டுகள் விதித்த ' ரூலிங்க்ஸ் ', ' ஜட்ஜ்மென்ட்ஸ் ' பிரகாரந்தான் இந்த அரசாங்கத்தின் நிர்வாகம் நடந்துகொண்டு வந்தது. சாதாரணமாக, குப்பைத் தொட்டியில் போய் விட்டன என்று சொல்வார்களே, அதேபோல் நியாயஸ்தலம் மூலமாகப் பல சட்டங்கள் செல்லுபடியாகாமல் போய்விட்டன. பல விதிகள் தவருகப் போடப்பட்டதாகக் கருதப்பட்டன. அதன் மூலம் இந்த ராஜ்யத்திற்கு நியாயமாக வர வேண்டிய வருமானம் வராமல் குறைந்து போய் விட்டது. வரியை ஏமாற்றுகிறவர்கள் ஏராளம் பேர்கள் இருக்கிறார்கள் என்பதுதான் என் போன்றோரின் அபிப்பிராயம். பலமுறை இதைப்பற்றிச் சட்ட சபையில் பேசியிருக்கிறேன். அங்கத்தினர் ஸ்ரீ வி. வி. ராமசுவாமி அவர்கள் மந்திரியவர்களைப் பாராட்டினார்கள்; அவர்கள் மிக்க அக்கறை செலுத்தி ஆர்வம் காட்டினார்கள் என்று சொல்கிறார்கள். ஆகவே, பொது மக்கள் அல்லது சமுதாயத்திலுள்ள எந்த வகுப்பினரும் கஷ்டப் படவேண்டும் என்பது அரசாங்கத்தின் நோக்கமாக இருக்க முடியாது. அப்படி ஒரு அரசாங்கம், மக்களைக் கஷ்டப்படுத்தும் அரசாங்கம் இருந்தால், அது வெகு நாள் நீடித்திருக்க முடியாது. வியாபாரிகள் நிச்சயமாக இதை ஒத்துக்கொள்ளாமல் இருக்க முடியாது. வரியை ஏமாற்றுகிறவன்தான் பணக்காரனாகின்றான் என்று சாதாரணமாக வியாபாரிகள் பேசிக்கொள்வதுண்டு. யார் " ஸக்ஸஸ்புல் "லாக அரசாங்கத்தின் வரியை ஏமாற்றுகிறானோ அவன்தான் லட்சாதிபதியாக, அல்லது கோடீஸ்வரனாக முடிகிறது என்று வியாபாரிகளே பேசிக்கொள்கிறார்கள். ஆகவே, ' டாக்ஸ் எவேஷன் ' இருந்தது என்பது ஒப்புக்கொள்ளக்கூடிய விஷயமே. ஸ்ரீ வி. வி. ராமசுவாமி அவர்கள் வியாபாரச் சங்கத்தின் தலைவராக இருக்கிறார்கள். பல மகாநாடுகள் கூட்டி அவர் பேசியிருக்கிறார். அவருக்கு அதிக நேரம் பேசுவதற்கு ஏராளமான அனுபவம் இருக்கிறது. அவரது அனுபவம் நமக்கு அவசியம். அந்த அனுபவம் மூலம், ' ஸிங்கிள் பாயிண்ட் டாக்ஸ் ' போட வேண்டுமென்பதைத்தான் எல்லா மகாநாடுகளிலும் அவர் பேசி யிருப்பதைப் பார்த்திருக்கிறேன். ஒரு முனை வரிதான் போட வேண்டும், பல முனை வரியால் வியாபாரிகள் கஷ்டமடைகிறார்கள், அதனால் பொது மக்களுக்கும் கஷ்டமிருக்கிறது என்பதுதான் வியாபாரிகள் மத்தியிலிருந்து வந்த கூக்குரல் என்பதை யாரும் மறுக்க முடியாது. அதை மறுக்கவும் மாட்டார்கள் என்று நினைக்கிறேன். ஆனால், தங்களுக்குச் சாதகமாக இல்லையென்று வரும்போது வியாபாரிகள், ' பலமுனை வரி போட்டுக்கொள்ளலாம், அதனால் பரவாயில்லை, அதைப்பற்றி எங்களுக்கு அக்கறையில்லை ' என்று சொல்கிறார்கள். ஒரு சிலரிடம் இரண்டு மூன்று தினங்களுக்கு முன் அவர் பேசிக்கொண்டிருந்தார். அப்படிப் பேசிக்கொண்டிருந்தபோது, ' உங்களுக்குக் கஷ்டம் என்று சொல்கிறீர்களே, பலமுனை வரி போட்டால் ஐந்தாறு முறை வரி வாங்கப் போகிறார்களே அரசாங்கம், கடைசியாக ஆறுவது முறையாகப் பொது மக்களிடம் அந்த வரியை வசூலிக்கப் போகிறார்களே, அப்படியானால் பொது மக்கள் கஷ்டப்படுவார்களே, ஆகவே ஒரு முனை வரியை எந்த இடத்தில் கொடுக்கலாம் என்று சொல்லுங்கள் ' என்று கேட்டார். அப்படிக் கேட்கும்போது, அவர்கள் தங்கள் சங்கடத்தைத்தான் கவனிக்கிறார்களே தவிர பொது மக்களின் கஷ்ட நஷ்டம்பற்றி அவர்கள் சிந்திப்பதேயில்லை என்பதை மிகவும் வருத்தத்துடன் தெரிவித்துக்கொள்கிறேன். குறிப்பாக, விறகுக் கடை வியாபாரிகளை எடுத்துக்கொள்வோம். முதலில் ஒருமுனை வரியாகப் போட்டிருந்தோம். பிறகு அதைப் பலமுனை வரியாக மாற்றிவிட்டோம் என்று அமைச்சர் அவர்கள் சொன்னார்கள். ஒருமுனை வரி போட வேண்டுமென்று சொன்னபோது, பல்வேறு தூது கோஷ்டிகள் வந்தன. ஒருமுனை வரி எந்த இடத்தில் போடுவது என்ற பிரச்னை வந்த போது, அவர்களுக்குச் சங்கடம் வருகிறது என்று தெரிந்தவுடன், அவர்கள் ஓடிப் போகிறார்கள். பலமுனை வரி போடும்போது, ஒரு குறிப்பிட்ட வஸ்துவை எடுத்துக்கொள்வோம். விறகு வெட்டுகிறான், மத்தியில் ஒருவர் வாங்க வருகிறார். அதை வாங்கும்போது அங்கு வரி கொடுக்க வேண்டும், ஒரு கமிஷன் வியாபாரி வருகிறார். இப்பொழுது கமிஷன் வியாபாரியும் டீலர்

17th February 1959] [Sri K. T. Kosalram]

ஆகிவிட்டார். ஆகவே அவரும் வரி கொடுக்க வேண்டும். மத்தியில் ஒரு பிரோக்கர் வருகிறார். அவரும் இப்பொழுது ஒரு வியாபாரியாகிவிட்டார். அவரும் வரி கொடுக்க வேண்டும். அவருக்குக் கீழ் ரீடெய்லர் வருகிறார். ஆக ஐந்தாறு இடங்களில் பலமுனை வரி கொடுத்து அதற்குப் பின்னால் வருகிறார்கள் பொதுமக்கள். எல்லாவற்றையும் சேர்த்து அவர்கள் தலையில் பின்னர் திணிக்கவேண்டியதுதான். ஆக, ஒருமுனை என்று வரும் போது, வியாபாரிகள் அது தங்களுக்கு லாபமாக இருக்கிறது என்று வரும் போது, அதை ஏற்றுக்கொள்கிறோம் என்று சொல்வது நியாயமல்ல. மதிப்பிற்குரிய இந்தச் சபை அங்கத்தினர் வியாபாரிகளின் உற்ற தோழராக இருப்பதால், வியாபாரிகளுக்குப் புத்திமதி சொல்லவேண்டுமென்று தான் நான் இதைக் கூறுகிறேன். பொது மக்கள் வாழ்ந்தால்தான், வியாபார சமூகமும் நன்கு வாழ முடியும். ஒரு சிலருக்குக் கணக்கு வைத்துக்கொள்வதற்கு, கணக்கு எழுதி வைத்துக்கொள்வதற்குக் கஷ்டமாக விருக்கிறது என்ற காரணத்திற்காகப் பொது மக்களின் தலையில் ஏராளமான வரியைச் சுமத்துவது நல்லதா ? விறகை எடுத்துக்கொண்டால், ஒருமுனை வரி போட்டுவிட்டால், ரீடெய்லருக்கு மத்தியில் இருக்கிற ஐந்தாறு பேர்களுக்குப் போடுகிற வரி இல்லாமல் போய்விடும். அப்படி ஒருமுனை வரி போட்டால், விறகு பொது மக்களுக்குச் சௌகரியமான விலையில் கிடைக்க வழி ஏற்படும். அப்படிச் செய்தால், ஒரு குண்டிற்கு இரண்டணாவாவது குறைவாகக் கொடுக்கலாம். விறகு என்பது பணக்காரர்கள் மாத்திரம் வாங்கும் பொருள் அல்ல. அது "லக்ஷுரி குட்ஸ்" அல்ல. அத்தனை பேர்களுக்கும் அது அவசியப்படுகிறது. ஆகவே, வியாபாரிகள் தங்களுக்குக் கணக்கு எழுதி வைத்துக்கொள்ளக் கஷ்டமாக இருக்கிறது என்று கூறியதின் காரணமாக, அமைச்சர் திரு. வெங்கட்ராமன் அவர்கள் அதை ஒத்துக்கொண்டிருக்க வேண்டியதில்லை. ஒருமுனை வரியால் $6\frac{1}{4}$ லட்சம் ரூபாய் வருமானம் வரும் என்று கணக்குப் போட்டிருக்கிறார்கள். ஆனால், பலமுனை வரி போட்டு, பிரோக்கர்களுக்குக் கொடுத்திருக்கும் எக்ஸெம்ஷனை எடுத்துவிட்டுப் பலமுனை வரி போட்டால், ஒரு குண்டிற்கு இரண்டணா அதிகரித்து 18 லட்சம் ரூபாய் வருகிறது என்று கணக்குப் போடப்பட்டிருக்கிறது. திரு. வெங்கட்ராமன் அவர்களுக்கு எல்லாம் நன்கு தெரியும். கடைசியாகப் பார்க்கப் போனால், திரு. வெங்கட்ராமன் அவர்களிடம் எல்லோரும் நன்கு மாட்டிக்கொண்டிருக்கிறீர்கள் என்றுதான் சொல்ல வேண்டும். அவர்கள் பேரில் குற்றம் சொல்ல முடியாது. நீங்களாகவே மாட்டிக்கொண்டிருக்கிறீர்கள். அமைச்சர் திரு. வெங்கட்ராமன் அவர்கள் 'நான் இதற்குத் தயார்' என்று சொல்லிவிட்டார்கள். ஆனால், வியாபாரிதான் 'எங்களுக்குக் கணக்கு எழுத முடியாது, எதை வேண்டுமானாலும் வரியைப் போட்டுக்கொள்ளுங்கள்' என்று சொல்லுகிறார்கள். இதில் அரசாங்கத்திற்கு அதிகாரம் இருக்கிறது. ஆகவே, இதை அமைச்சர் அவர்கள் கூர்ந்து கவனிக்க வேண்டும். இம்மாதிரிப் பொது மக்களுக்கு அசௌகரியம் ஏற்படக் கூடிய முறையில் வரியை விதிக்கக் கூடாது என்று கேட்டுக்கொள்ளுகிறேன். ஏற்கெனவே விலைவாசி ஏராளமாக ஏறிக்கொண்டிருக்கிறது என்பது அரசாங்கத்தின் மீதுள்ள குற்றச்சாட்டு. அதற்குப் பல்வேறு காரணங்கள் இருக்கலாம். அதைப்பற்றி இப்பொழுது பேசவேண்டிய அவசியம் இல்லை. இந்த மசோதா அதற்கு இடம் கொடுக்கவில்லை. ஆதலால் நான் அதைப்பற்றிப் பேசவில்லை. விலைவாசியைக் கட்டுப்படுத்துவதற்கு, எந்த இடத்திலெல்லாம் அரசாங்கம் கவனம் செலுத்த வேண்டுமோ, அங்கெல்லாம் கவனம் செலுத்த வேண்டும். விறகு மிகவும் அத்தியாவசியமான பொருள். விறகு இல்லாமல் ஒரு மனிதன் இருக்க முடியாது. விறகு விலை அதிகமாக ஏறிக்கொண்டிருக்கிறது என்று சென்னை நகரத்தில் அடிக்கடி பெரிய தூதுகோஷ்டிகள் முறையிடுகின்றன. பெரிய கலாட்டாக்கள் நடக்கின்றன. அமைச்சர் அவர்கள் இதை மறுக்க முடியாது. இதில் அமைச்சர் அவர்கள் கவனமாக இருந்து, யாரோ கணக்கு வைப்பதற்குப் பயப்படுகிறார்கள் என்பதற்காக அவர்களுக்கு இடம் கொடுத்து விடாமல், பொது மக்களுக்குச் சௌகரியமாக விலையைக் கட்டுப்படுத்துவதற்கு ஒரு முனை வரி போட்டு 'ரீடெய்லரி'டத்தில் கட்டுப்படுத்தலாமா என்று பரிசீலிக்க வேண்டும். அப்படி ரீடெய்லரிடத்தில் கட்டுப்படுத்த முடியாவிட்டால், சரக்கு எந்த இடத்திலிருந்து வருகிறதோ, அந்த இடத்தில்

5 p.m.

அதைக் கட்டுப்படுத்தி ஒருமுனை வரியை வசூலிக்கலாமா என்பதை நன்ருக யோசித்துச் செய்ய வேண்டும். அது எங்கிருந்து பெறப்படுகிறதோ அந்த இடத்தில் வரி கொடுப்பதற்குக் கட்டுப்படுத்த முடியுமா என்பது நன்ருக யோசிக்கவேண்டிய விஷயம்.

*THE HON. SRI R. VENKATARAMAN : இப்பொழுது நான் கனம் அங்கத்தினர் அவர்களை ஆலோசனை கேட்கிறேன். சாதாரணமாகச் சிறுசிறு விறகு வியாபாரிகள் கிராமங்களிலே இருக்கிருர்கள். சுள்ளி, சொட்டைகளை ஒடித்துக்கொண்டு வந்து விற்கிருர்கள். ஒருமுனை வரி போட்டால், அவர்களிடமிருந்தும் வரி வசூல் செய்ய வேண்டும். பலகட்ட வரி போட்டால், 10,000 ரூபாய்க்கு மேல் வியாபாரம் செய்கிறவர்களிடத்தில்தான் வரி வசூலிக்க முடியும். எந்த முறையில் வரி போட வேண்டுமென்று அவர்கள் கேட்கிருர்கள் என்பதைத் தெரிந்துகொள்ள விரும்புகிறேன்.

SRI K. T. KOSALRAM : நான் அமைச்சர் அவர்களுக்கு என்னுடைய சொந்த அனுபவத்தைச் சொல்லுகிறேன்.

SRI V. V. RAMASWAMI : உங்களையும் அமைச்சர் அவர்கள் மாட்டுகிருர்கள். பதில் சொல்லுங்கள்.

SRI K. T. KOSALRAM : நீங்கள் மாட்டிக்கொள்ளுகிற மாதிரி நான் நிச்சயமாக மாட்டிக்கொள்ள மாட்டேன்.

SRI V. V. RAMASWAMI : நாங்கள் 'பிராக்டிகல் பீபிள்'. நீங்கள் 'பிராபகாண்டிஸ்டு'.

SRI K. T. KOSALRAM : உங்களோடு பழகி நாங்களும் ரொம்ப 'பிராக்டிகல் பீபிளாகி' விட்டோம்.

இந்த விறகு வியாபாரம் எப்படி இருக்கிறது என்று கேட்டால், சாதாரண வியாபாரிகள் ரூபாய் 10,000, ரூபாய் 15,000 கொடுத்துப் பெரிய பெரிய தோப்பைக் காண்டிராக்ட் எடுக்கிருர்கள். நடக்கிறதை அப்படியே சொல்லுகிறேன். ஒரு புறத்தில் இம்மாதிரி நடக்கிறது. மற்ருெரு புறத்தில் சிறிய . . . . .

*THE HON. SRI R. VENKATARAMAN : சென்னை நகரத்தைப்பற்றி மாத்திரம் பேசிப் பிரயோசனம் இல்லை. கிராமங்களில் விறகு வியாபாரம் நடக்கின்றது அல்லவா? சுள்ளிகளையும், உடைந்த கட்டைகளையும் தலையில் வைத்துக்கொண்டு வீடுவீடாகச் சென்று சிறுசிறு வியாபாரிகள் விறகு விற்கின்ருர்கள் அல்லவா? ஒருமுனை வரி போட்டால், அவர்களும் வரி கொடுக்க வேண்டி வரும். அது வேண்டுமா, அல்லது ரூபாய் 10,000 வரை 'எக்ஸெம்ஷன்' வேண்டுமா என்பதுபற்றித்தான் அங்கத்தினருடைய யோசனையைக் கேட்டேன்.

SRI K. T. KOSALRAM : இரண்டாகப் பிரித்துவிடுவதில் ஒன்றும் தவறு இல்லை. நான் சொல்லுகிறேன். அமைச்சர் அவர்கள் கொஞ்சம் சிந்திக்க வேண்டும். நகரப்புறங்களைத் தவிர மற்ற இடங்களை எடுத்துக்கொண்டால், விறகுக் கடைகள் ஏராளமாக இருக்காது. சுள்ளி, சொட்டைகளை விறகாக வைத்துக்கொண்டு ஆங்காங்கு உள்ளவர்கள் ஆங்காங்கு சமாளித்துக்கொண்டிருக்கிருர்கள். விறகுப் பிரச்னை என்பது கிராமங்களிலே, சிறிய நகரங்களிலே கிடையாது. ரூபாய் 6 லட்சம் வரியில், 5-3/4 லட்சம் ரூபாய் சென்னை நகரத்தில் வசூலிக்கப்பட்ட வரிதான்; ஜில்லாக்களிலிருந்தோ அல்லது கிராமங்களிலிருந்தோ விறகு மூலமாக உள்ள விற்பனை வரி அதிகமாக இருக்கவே இருக்காது. எங்கோ ஒரு சில இடங்களில் இருக்கக் கூடிய . . . . . .

*THE HON. SRI R. VENKATARAMAN : அதற்குக் காரணம் இன்றைக்கு ரூபாய் 10,000-க்குக் குறைவாக வியாபாரம் செய்கிறவர்களுக்கு

17th February 1959] [Sri R. Venkataraman]

விதி விலக்கு அளித்திருக்கிறோம். அதை மாற்றி ஒருமுனை வரி போட்டால், ஒரு ரூபாய்க்கு விறகு வியாபாரம் செய்யக்கூடியவர்களிடம் கூடப் போய் வரி கேட்கத்தான் வேண்டும்.

Sri MOHAMED RAZA KHAN : ஆமாம். (சிரிப்பு).

Sri K. T. KOSALRAM : நண்பர் திரு. ரஸா கான் அவர்கள் சர்க்காருக்குப் பரிந்து பேசுகிறார்கள்.

The Hon. Sri R. VENKATARAMAN : I seek the guidance of hon. Members.

Sri K. T. KOSALRAM : இதற்காகத்தான் நான் இரண்டு யோசனைகள் சொன்னேன் அமைச்சர் அவர்களுக்கு. ரீடெய்லரிடத்தில் கட்டுப்படுத்தி வரி வாங்க முடியுமா என்ற ஒரு யோசனையை முதலில் சொன்னேன். ரீடெய்லர் கணக்கு எழுதப் பயப்படுகின்ற காரணத்தினால், அவர்கள் வேண்டாம் என்று சொல்லுகிறார்கள் என்பதைச் சொன்னேன். ரீடெய்லரிடத்தில் வரி வசூல் செய்வதாயிருந்தால், நீங்கள் சொல்லுகிற கஷ்டம் வராது. ரீடெய்லரை விட்டுவிட்டு, எந்த இடத்திலிருந்து வருகின்றதோ அங்கேயே போய் வரி வசூலிப்பது என்று சொன்னால், அதில் நீங்கள் சொல்லுகின்ற கஷ்டங்கள் மட்டுமல்ல, பல்வேறு கஷ்டங்கள் இருக்கின்றன என்பது நன்றாகத் தெரியும். காடுகளில், ஊர்களே இல்லாத இடங்களில் தோப்புகள் இருக்கின்றன. அங்கு போய் அதிகாரிகள் கட்டுப்படுத்துவதில் சிக்கல்கள் இருக்கின்றன. அது சிக்கலான பிரச்னை என்பது நன்றாகத் தெரியும். உங்களிடத்தில் முதலிலேயே சொன்னேன். ஆகவே நகரத்தில் உள்ள நிலைமையை நன்றாகப் பரிசீலிக்க வேண்டும். இது மிகவும் சிக்கலான பிரச்னைதான். ஏதோ சொன்னார்கள் என்று குழப்பிக்கொண்டிராமல், எந்த இடத்தில் அதிகமாக வரி வருகிறதோ, எந்த இடத்தில் பெரிய அளவிலே வரியை வசூலிக்க முடியுமோ, அந்த இடத்தில் வரி போட வேண்டும். அவசியமில்லாத இடத்தில் வரி போட வேண்டியதில்லை. ராஜ்யம் பூராவுக்கும் ஒரு சட்டம் போட வேண்டுமென்பது அவசியமில்லை என்று நினைக்கிறேன். எந்த இடத்தில் இந்த வரியைப் போட்டால் அதிக வருமானம் வருமோ, அந்த இடத்திற்கு மட்டும் இந்தச் சட்டத்தைக் கட்டுப்படுத்திக்கொள்ள முடியும். ஆகவே, இது மிகவும் நன்றாகப் பரிசீலிக்க வேண்டிய விஷயம். சென்னை நகரத்திலேதான் இது பெரிய பிரச்னையாக இருக்கிறது. எந்த விறகுக் கடைக்காரருக்கும் நான் வக்காளத்து வாங்கிப் பேசவில்லை. அம்மாதிரி வக்காளத்து வாங்கிப் பேச வேண்டிய அவசியமும் இல்லை. நான் பயப்படுகிறது என்னவென்றால் ஏழு முறை வரி கொடுத்து எட்டாவது முறையில் பொது மக்களிடம் வரி வாங்க வேண்டி வருமே, அதனால் விறகின் விலை ஏறிவிடுமே என்பது தான்.

Sri MOHAMED RAZA KHAN : அம்மாதிரி யாரும் சொல்லவில்லை.

Sri K. T. KOSALRAM : யாரும் சொல்லாமல் இருக்கலாம். சட்டம் இருக்கிறது. அம்மாதிரி நிலை வரப்போகிறது. வியாபாரிகளே ஒருமுனை வரி வேண்டாமென்று சொல்லுகிறார்கள். வியாபாரிகள் வேண்டாமென்று சொல்லுவதற்கு இரண்டு காரணங்கள் கூறுகிறார்கள். கணக்கு எழுத வேண்டியிருக்கும் என்பதுதான் முக்கியமான காரணம்.

மற்றொன்று, முட்டையைப்பற்றி நான் சொல்ல விரும்புகிறேன். அமைச்சர் திரு. வெங்கடராமன் அவர்கள் நிச்சயமாகக் கவனம் செலுத்த வேண்டிய விஷயம் இது. கேரள ராஜ்யத்தில் முட்டைக்கு விற்பனை வரி கிடையாது. ஆந்திர ராஜ்யத்திலும் முட்டைக்கு வரி கிடையாது. மற்ற எல்லா ராஜ்யங்களிலும் முட்டைக்கு வரி இல்லை. ஏன் இல்லை ? அங்கெல்லாம் முட்டை மிகவும் குறைவாக இருக்கிறது என்று சொல்லலாம். ஆனால், கேரளாவிலிருந்து சுமார் 8 லட்சம் முட்டைகளுக்கு மேல் ஏற்றுமதி செய்யப்படுகின்றன. இலங்கைக்கும், கல்கத்தா, பம்பாய் போன்ற இதர

ராஜ்யங்களுக்கும் ஏற்றுமதி செய்யப்படுகின்றன. அதேமாதிரி நாம் வாத்து முட்டைகளை ஏராளமாக அனுப்புகிறோம். நமக்குக் கோழி முட்டை வருகிறது. இங்கிருந்து வாத்து முட்டை பிற ராஜ்யங்களுக்கு ஏராளமாகப் போகிறது.

SRI V. V. RAMASWAMI : ஒரு நாளைக்கு 2 லட்சம் முட்டைகள் போகின்றன.

SRI K. T. KOSALRAM : இங்கு N. E. S. ஏரியாக்களில் வீட்டுக்கு வீடு கோழி கொடுக்கவேண்டும் என்று சர்க்கார் நினைக்கிறது. அப்படி வீட்டுக்கு வீடு கோழி கொடுத்தால், கோழி முட்டை உற்பத்தி அதிகரிக்கும். கேரளாவில் வரி இல்லாத காரணத்தினால், "காம்பெடிஷன்" ஏற்படும். அங்கே "டாக்ஸ்" இல்லாத காரணத்தினால், வியாபாரிகள் அவர்களுக்குத்தான் ஆர்டர் கொடுப்பார்கள். இங்கிருந்து அன்னிய ராஜ்யங்களுக்குப் போகவேண்டுமானால், இம்மாதிரி வரி போடுவது நிச்சயமாக நம் ஜனங்களுக்கு இருக்கிற உற்சாகத்தைத் தடுப்பதாக இருக்குமே தவிர, அவர்களுக்கு உற்சாகத்தைக் கொடுக்காது. கோழி முட்டைகள் மூலமாகச் சாதாரணமாகக் கிராமவாசிகளுக்கு நல்ல வருமானம் வருகிறது. கோழிகளை அதிகமாக வளர்க்க வேண்டும் என்ற கருத்தை அரசாங்கம் நாடு முழுவதும் சொல்லுகின்றபொழுது, அதற்குப் புறம்பாக முட்டைக்கு வரி போடுவது கூடாது. இதிலிருந்து வரக்கூடிய வருமானம் மிகக் குறைவாகத்தான் இருக்கமுடியும். கோழி முட்டைக்கும், வாத்து முட்டைக்கும் வரியை எடுத்துவிட்டால், இவைகளெல்லாம் அழுகிப்போகிற பொருள்கள், ஆகவே ஆட்டுக்கறிக்கும் வரியை எடுத்துவிட வேண்டுமென்று கேட்பார்களோ என்ற பயம்தான் போலிருக்கிறது. இது உணவுப் பொருள் என்ற பெயரால் நான் வரி போட வேண்டாம் என்று கேட்கவில்லை. அழுகிப் போகிற பொருள் என்ற பெயரால் விதி விலக்குக் கேட்கவில்லை. நான் சொல்லுவது எல்லாம் பிற ராஜ்யங்களுக்குப் போகிற வியாபாரம், நமது கிராமங்களில் உட்புகுத்திச் செய்யப்பட வேண்டுமென்பதுதான். அதுதான் என்னுடைய கருத்து. ஆகவே, இதையும் அதையும்

[Mr. Chairman in the Chair]

5-10 p.m. குழப்பி இவையெல்லாம் உணவுப் பொருட்களைச் சேர்ந்தவை என்று சொல்லலாம். இருந்தாலும் இதில் இருக்கின்ற உண்மையைக் கவனித்துப் பார்த்து, கோழி முட்டைக்குப் போடப்பட்டிருக்கின்ற வரியை எடுத்துவிடுவதில் எந்தத் தவறும் ஏற்பட்டுவிடாது என்பதை அரசாங்கத்திற்குச் சொல்ல விரும்புகிறேன். இதை அமைச்சர் திரு. வெங்கட்ராமன் அவர்கள் ஒத்துக்கொள்வார்கள் என்று நம்புகிறேன். இதை மாற்றுவதில் பல கஷ்டங்கள் இருக்கின்றன என்று வேண்டுமானால் சொல்லலாம். இதில் இப்போது திருத்தம் கொண்டுவந்தால், அதைத் திரும்பவும் கீழ்ச் சபைக்கு அனுப்ப வேண்டியிருக்கும் என்று சொல்லலாம். இருந்தாலும் இதில் இருக்கின்ற நிலைமை என்ன என்பதைப்பற்றி நாம் கவனித்துப் பார்க்க வேண்டும். நண்பர் திரு. வெங்கட்ராமன் அவர்கள் நல்ல வழக்கறிஞர். நண்பர் திரு. பாலசுப்பிரமணிய அய்யர் அவர்கள் இருக்கிறார்கள், ரிட்டயர்டு ஜட்ஜ் அவர்கள் இருக்கிறார்கள், அவர்கள் சட்டத்தில் இருக்கின்ற குறைகளைப்பற்றிச் சொல்லுவார்கள். இதைப்பற்றிச் சிலர் பொருட்களின் மீதுள்ள வரியைக் குறைப்பதற்கும் வரி விதிப்பிலிருந்து விலக்கு அளிப்பதற்கும் அரசாங்கம் எடுத்துக்கொள்ளும் அதிகாரம் செல்லாது என்று சொல்லுகிறார்கள். என்னைப் பொறுத்த வரையில், அரசாங்கம் இந்தமாதிரியான அதிகாரத்தைக் கையில் வைத்திருப்பதால், நான் கூறினது மாதிரி, சில பொருட்களுக்கு வரியை எடுத்துவிடுவதற்கு அரசாங்கத்திற்கு வசதியாக இருக்கும் என்பதால் இந்தவிதமான அதிகாரம் இருக்க வேண்டியதுதான் என்பது என் அபிப்பிராயம். **"No man can be taxed except by authority of law"** என்று அரசியல் சட்டத்தில் சொல்லப்பட்டிருக்கிறது. புதிதாக வேண்டுமானால் வரிகளைப் போடுவதற்கு அதிகாரம் இல்லாவிட்டாலும், வரிகளைக் குறைப்பதற்கு அரசாங்கத்திற்கு அதிகாரம் இருக்க வேண்டியதுதான்.

17th February 1959] [Sri K. T. Kosalram]

ஆகவே, இம்மாதிரியான அதிகாரத்தை வைத்திருப்பதில் எந்தவிதமான தவறுமில்லை. ஏற்கனவே நான் இந்தச் சபையில் சொல்லியிருக்கிறேன். அரசாங்கத்திற்கு எவ்வளவுதான் அதிகாரத்தைக் கொடுத்தாலும், அந்த அதிகாரத்தை அரசாங்கம் துஷ்பிரயோகம் செய்யுமானால், அந்த அரசாங்கத்தை மாற்றியமைப்பதற்கு மக்கள் தயாராக இருக்கிறார்கள். அதற்கு இடமும் இருக்கிறது. இன்றைக்குப் போடப்பட்டிருக்கும் சட்டங்களில் நீதிபதிகள் தவறுதலாக நடப்பார்கள் என்றால், அதற்கு மேல் அப்பீல் செய்வதற்கு வகை செய்யப்பட்டிருக்கின்றது. இன்றைக்கு அமைச்சராக இருக்கின்ற திரு. வெங்கட்ராமன் அவர்கள் தவறு செய்தால், அவர்களைக் கண்டிப்பதற்கு மக்கள் இருக்கிறார்கள். அவ்விதம் ஏதாவது தவறு செய்வார்கள் என்றால், அவர்கள் வீட்டுக்கு முன்னாலேயே கூட்டம் போட்டு, "திரு. வெங்கட்ராமன் அவர்களே, வெளியில் வந்து எங்கள் கேள்விகளுக்குப் பதில் சொல்லுங்கள்" என்று சவால் விட்டுக் கேட்கலாம். ஆகவே, நிர்வாகத்தை நடத்துகின்றவர்களுக்கு எவ்வளவு அதிகாரங்களைக் கொடுத்தாலும் அதில் தவறு ஒன்றுமில்லை என்பதுதான் என்னுடைய திடமான, பலம் பொருந்திய நம்பிக்கை. அரசாங்கத்தில் இன்று ஒருவர் இருக்கலாம், நாளை ஒருவர் வரலாம், இன்றைக்கு திரு. வெங்கட்ராமன் இருக்கலாம், நாளைக்கு நண்பர் திரு ஸ்ரீநிவாசவரதன் வரலாம், அடுத்த நாளைக்கு நண்பர் திரு. ரஸா கான் வரலாம்.

Sri MOHAMED RAZA KHAN : எப்படி வர முடியும்?

Sri K. T. KOSALRAM : வர முடியும், இந்த நாட்டில் பிறந்த ஒவ்வொருவரும் இந்த அரசாங்கத்தில் வருவதற்கு அரசியல் சட்டத்தில் இடமிருக்கிறது. ஆகவே, இம்மாதிரிப்பட்ட விஷயங்களில் வரிகளைக் குறைப்பதற்கும் நீக்குவதற்குமுள்ள அதிகாரம் அரசாங்கத்தின் கையில் இருப்பதற்கு "கிளாரிபிகேஷன்" வேண்டும் என்று அமைச்சர் அவர்களிடத்தில் நண்பர் திரு. ரஸா கான் அவர்கள் கேட்டார்கள். இவ்விதமான அதிகாரம் அரசாங்கத்தினிடத்தில் இருப்பதைக் கண்டு யாரும் பயப்பட வேண்டிய தேவையில்லை. இவ்வித அதிகாரத்தை அரசாங்கத்தார் துஷ்பிரயோகம் செய்வார்கள் என்று யாரும் நினைக்கவேண்டியதில்லை. இன்றைக்கு அமைச்சராக இருக்கக்கூடிய திரு. வெங்கட்ராமன் அவர்கள் இந்த அதிகாரத்தைத் துஷ்பிரயோகம் செய்வார்களானால், நாளைக்கு அவர் மந்திரி சபையில் இருக்கமாட்டார் என்பது நிச்சயம். ஆகவே, எந்தக் கட்சி அதிகாரத்தில் இருந்தாலும் சரி, அரசாங்கத்தை நிர்வகிப்பவர்கள் யாராக இருந்தாலும் சரி, அவர்கள் தங்களுக்குக் கொடுக்கப்பட்டிருக்கும் அதிகாரத்தைத் துஷ்பிரயோகம் செய்வார்கள் என்றால், அவர்கள் அரசாங்கப் பதவியிலிருந்து மாற்றப்படுவார்கள் என்பது நிச்சயம். ஆகவே, இந்த அதிகாரம் அரசாங்கத்தின் கையில் இருப்பதினால் யாரும் பயப்பட வேண்டிய தேவையில்லை. இதனால் அரசாங்கத்திற்குச் சில கஷ்டங்கள் ஏற்படலாம். இந்த அதிகாரத்தின் மூலம் பொருட்களின் மீதுள்ள வரிகளைக் குறைப்பதற்கும் வரிகளை நீக்குவதற்கும் முடியும். நண்பர் திரு. வி. வி. ராமசாமி அவர்கள் இதைப்பற்றிப் பாராட்டிச் சீராட்டிப் பேசினதற்கு இதுவும் ஒரு காரணமாக இருக்கலாம். இதைப் பற்றி யோசிப்பதற்கு இன்னும் காலந்தாழ்ந்துவிடவில்லை என்றும் குறிப்பிட்டார்கள். எந்த விதத்தில் இதைப்பற்றி யோசனை செய்தாலும், இம்மாதிரிப்பட்ட அதிகாரம் அரசாங்கத்தின் கையில் இருப்பதால், எந்தவிதமான கஷ்டமும் இல்லை என்பதைத் திரும்பவும் நான் சொல்லிக் கொள்கிறேன்.

அடுத்தபடியாக, இதில் தண்டனையைப்பற்றிச் சொல்லப்பட்டிருக்கிறது. இரண்டாவது முறையாகக் குற்றம் செய்தால், அவர்கள் தண்டிக்கப்படுவார்கள் என்று சொல்லப்பட்டிருக்கிறது. வியாபாரிகளையெல்லாம் தண்டிக்கவேண்டும் என்ற நோக்கம் அரசாங்கத்திற்குக் கிடையாது. சில இடங்களில் அரசாங்க இயந்திரத்திற்குக் கோளாறு ஏற்பட்டுவிடுகிறது. இதனால் தான் பொது மக்கள் பயப்படுகிறார்களே தவிர வேறு ஒன்றுமில்லை. பொது மக்கள் பயப்படுவது அமைச்சர் திரு. வெங்கட்ராமன் அவர்க

ளுக்கோ அல்லது முதலமைச்சர் திரு. காமராஜ் நாடார் அவர்களுக்கோ அல்ல. அரசாங்கத்தின் தேவதைகளாக இருக்கிறார்களே, அவர்களைப்பற்றித்தான் பயப்பட்டுக்கொண்டிருக்கிறார்கள். அவர்கள் எல்லாம் செவ்வனே தங்கள் வேலைகளை நடத்துகிறார்களா என்பதை அரசாங்கம் கவனிக்க வேண்டும். அதிகாரிகள் சில சமயங்களில் சரியாக நடந்து கொள்ளாததினால், சில நல்லவர்களும் இவர்களுடைய குற்றச்சாட்டில் அகப்பட்டுக்கொள்கிறார்கள். அதிகாரிகளுடைய "ஹாரஸ்மெண்ட்" அதிகமாக இருந்துகொண்டிருக்கிறது என்பதை எல்லோரும் ஒப்புக் கொள்வார்கள். அதோடு அதிகாரிகள் வியாபாரிகளை அவமரியாதையாகப் பேசுவது, வியாபாரி என்றால் ஏதோ தவறாக நினைப்பது, என்பது கூடாது. தவறு செய்கின்றவர்களைக் கண்டுபிடித்து நடவடிக்கை எடுக்க வேண்டியது தான். ஆனால் எல்லோரையும் அவமரியாதையான முறையில் நடத்தக் கூடாது. இதை அதிகாரிகள் நன்கு புரிந்துகொள்ள வேண்டும். வியாபாரிகளையெல்லாம் மரியாதையான முறையில் நடத்த வேண்டும் என்பதை அதிகாரிகள் ஓரளவுக்குத் தெரிந்துகொண்டால், அதிகாரிகளிடத்தில் வியாபாரிகளுக்குப் பயமே இருக்காது. நாம் அவர்களிடத்திலிருந்து வரியை வசூலிக்கிறோம், அவர்கள் வரியைக் கொடுக்கிறார்கள். ஆகவே, அதிகாரிகள் தங்கள் கடமையைச் செய்கிறார்கள் என்கின்ற உணர்ச்சி அவர்களுக்கு வரவேண்டும். அந்த உணர்ச்சி அதிகாரிகளுக்கு வந்துவிட்டால், அதிகாரிகளிடத்தில் வியாபாரிகளுக்கு இருந்து வருகின்ற பயம் போய்விடும். சமீபத்தில் வியாபாரிகள் எல்லாம் திருநெல்வேலியில் ஒரு கூட்டம் போட்டிருந்தார்கள். "இந்தச் சட்டத்தின் மூலம் வியாபாரிகளைக் கஷ்டப்படுத்த வேண்டுமென்று அதிகாரிகள் நினைத்தால், தண்டனைக்கு ஆளாக்க முடியுமே, அவர்கள் எங்களைக் கிரிமினல் குற்றவாளிகளைப்போல் நடத்துவதற்கு இந்தச் சட்டத்தில் இடமிருக்கிறதே, இதையெல்லாம் எந்தவிதத்தில் போக்குவது" என்றுதான் அவர்கள் குறைப்பட்டுக்கொண்டார்கள். ஒழுங்காக வியாபாரம் நடத்துகின்றவர்களை வேண்டுமென்றே அதிகாரிகள் ஏதாவது தங்களுடைய சொந்த மனத் தாங்கலின் பேரில் வஞ்சம் தீர்க்க வேண்டும் என்று நினைத்தால்—அவர்களை கருவறுக்க வேண்டுமென்று நினைத்தால்—இந்த அதிகாரிகள் தங்கள் அதிகாரத்தைத் துஷ்பிரயோகம் செய்ய ஆரம்பிப்பார்கள். உண்மையாகவே அரசாங்கத்தை ஏமாற்றுகிறவர்களைக் கண்டுபிடித்துத் தண்டனை கொடுக்கவேண்டியதுதான். ஆனால், அவசியமில்லாமல் வேண்டுமென்றே கஷ்டங்களை உண்டுபண்ணுகிற அதிகாரிகளைக் கண்டுபிடித்து சரியான விதத்தில் கண்டித்துவிட்டால், இந்தமாதிரியான தவறுகள் நடவாமல் போய்விடும். தவறுகள் இழைக்கப்படும் இடத்தில் தவறு இழைத்தவர்கள் யார் என்பதை அரசாங்கம் கண்டுபிடித்து அவர்களைத் திருத்திவிட்டால் இந்தக் குறை இல்லாமல் போய்விடும். இன்னொன்று. விறகைப் பற்றிப் பேசினேன். இதில் "Wood" என்று சொல்லப்பட்டிருக்கிறது. "All kinds of wood and timber and similar articles" இந்த வார்த்தைகளை வைத்துக்கொண்டு வியாபாரிகள் அரசாங்கத்தை ஏமாற்றுவதற்கு முயற்சி செய்வார்கள். "வுட்" என்பதும் "டிம்பர்" என்பதும் வேறு. கருவேப்பிலை மரம் இருக்கிறது, மாமரம் இருக்கிறது. இவைகளிலிருந்து பலகை எடுக்கப்படுகிறது. ஆகவே, இவைகளை எல்லாம் "வுட்" என்று சொல்லலாம். ஆனால், இவைகள் எல்லாம் விறகுக்கு அதிகமாக உபயோகப்படுத்தப்பட்டு வருகின்றன. இந்தமாதிரியான பல குழப்பங்கள் வந்து சேரலாம். சட்டங்களை அமுல் நடத்தும்போது, இம்மாதிரிக் குழப்பங்கள் ஏற்படக் கூடாது என்பதுதான் என்னுடைய விருப்பம். ஆகவே, இதில் "வுட்" என்ற வார்த்தையை நீக்கிவிட்டால் நன்றாக இருக்கும் என்பது என் அபிப்பிராயம். இப்போது திருத்தம் கொண்டுவரவேண்டுமென்றால், இனிமேல் திரும்பவும் "லோயர் ஹௌஸ்"க்குப் போக வேண்டியிருக்கும் என்று அமைச்சர் அவர்கள் வேண்டுமானால் சொல்லுவார்கள்.

THE HON. SRI R. VENKATARAMAN : அதைப்பற்றி ஒன்றுமில்லை, இப்போது சட்டசபை நடந்துகொண்டுதான் இருக்கிறது.

17th February 1959]

SRI V. V. RAMASWAMI : அப்படியானால் ஒரு திருத்தத்தைக் கனம் அங்கத்தினர் அவர்கள் கொடுக்கலாமே.

SRI K. T. KOSALRAM : அதனாலே, "Wood" என்ற வார்த்தையை எடுத்துவிட்டால் நன்றாக இருக்கும் என்று நினைக்கிறேன்.

இன்னும் கூடுமான வரையில் சர்க்காருக்கு இருக்கும் 'எக்ஸெம்ஷன் பவர்'களைக் கொண்டு விதி விலக்கு அளிக்கலாம். இன்று தான் கூறுதல் செய்யவேண்டுமென்று அவசியமில்லை. சந்தர்ப்பம் ஏற்படும்போது, நியாயம் என்று படும்போது அரசாங்கமே விதி விலக்குக் கொடுக்க வேண்டும். விதி விலக்குக் கொடுத்தால் யாராவது ஏதாவது செய்துவிடுவார்களோ என்று எண்ணாமல், நியாயம் என்று நினைத்தால், வியாபாரிகளை மட்டும் மனதில் வைத்துக்கொண்டு எதையும் செய்யாமல், பொது மக்களை, வியாபாரிகள் இரண்டு பேரையும் மனதில் வைத்து, சிறு சிறு விஷயங்களில் எங்கெங்கே எக்ஸெம்ஷன் கொடுக்க வேண்டுமோ அங்கெல்லாம் கொடுக்க வேண்டுமென்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

5-20 p.m.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, at the outset, I wish to congratulate the Hon. the Minister for Commercial Taxes on having brought to bear upon the consideration of the Sales Tax Bill all his ability as a lawyer and his experience as a Minister. He also took care to refer the whole matter to an economic expert like Dr. Lokanathan. He produced a very good Report. This Bill is based mainly upon his Report though I should say that some of his recommendations have not been accepted. This Bill was brought in and it was subjected to very strict scrutiny at the sittings of the Select Committee. We felt at the time of the sitting of the Select Committee that the presence of the Hon. Minister was very valuable. That was why we adjourned for some time to await his arrival from his foreign tour. We found that many of the problems posed were thoroughly discussed. Wherever it was possible, he kept an open mind and he was able to agree to some of the important things. Wherever he did not agree, it was because of the exigencies of the situation and also due to the varying impressions on our part. For example, as regards single-point levy and multi-point levy, I do not think even the merchants are very clear. We ourselves are not at all clear about it. The Committee took the further step of hearing representations from Chambers of Commerce, Merchants' Associations and individual merchants. Every concerned interest was consulted and we heard fully all the representations. But we found, after hearing all these representations, that the merchants themselves were not clear as to whether a single-point levy would be to their benefit or a multi-point levy. I attended the first Merchants' Conference. At that time, we were anxious to hear the views of merchants. When we considered the question calmly, we thought that a single-point levy would be the best for the merchants. But when the matter came up for discussion and when we found various figures, sometimes multi-point levy seemed to be better than single-point levy. I shall take the case of firewood that was mentioned by the hon. Member Sri Kosalram. This point was raised. But the difficulty that was pointed out to us was that if it was a single-point levy, we would

have to levy it in all places, and on even smaller dealers. If it was a multi-point levy, we could have it for a turnover over Rs. 10,000. So, the particular point that the retail dealers would be going on increasing the rate was present in our mind. But how to do the thing was the difficulty. In the case of sales tax, the difficulty arises as to the adjustment between the single-point levy and the multi-point levy. All the difficulties in a particular transaction like evasion and keeping of accounts have to be taken into consideration. At the same time, if it is a multi-point levy, the rate increases and the difficulty of the consumer has to be considered. Therefore, it is better not to take any particular sides in this matter once there is sales tax As we all know, sales tax is an indirect tax. Merchants pass it on immediately to the consumer. Therefore, the problem of the consumer should always be present in the background when we consider the matter. Never mind the difficulties of the merchants, our difficulties here as legislators and the difficulties of the Courts in interpreting the law. Apart from all these things, we have to take into consideration the final effect of this tax upon the consumer. We should not do anything to harass the merchants or to impede the trade. These are all things which are accepted. The Report of Dr. Lokanathan mentions categorically all these principles. That is why I do not think much benefit will accrue to us in discussing the general principles over again here. They have been thrashed out fully and completely without any prejudice or without taking sides. Madras State has led in the matter of sales tax. This State was the first to introduce sales tax.

SRI A. M. ALLAPICHAI : Prohibition also.

SRI K. BALASUBRAMANYA AYYAR : Yes. But in the matter of Prohibition, it has not been followed by many other States. In the matter of sales tax, all other States have followed us. Even in States where there is no Prohibition, there is sales tax.

SRI A. M. ALLAPICHAI : It is very difficult for them to fall in line with us in the matter of Prohibition.

SRI K. BALASUBRAMANYA AYYAR : For the last twenty years we have seen the working of this Act. One of the chief difficulties is the harassment of the merchants. The difficulties of small dealers also have to be taken into consideration. These are all important things. In some cases merchants have to be always in the Commercial Tax Offices. They cannot attend to their trade. The second difficulty is the keeping of accounts. In the case of small dealers like those in vegetables, the nature of the transaction may not admit of keeping accounts. These are all things that have been borne in mind by the Members of the Select Committee and especially the Minister. Therefore, there is not much of criticism, I would say, in regard to this Bill except

in regard to one or two important points. Many provisions have now been introduced for the purpose of checking evasion. One other benefit that has accrued from a consideration of this Bill is the provision for appeals and the differentiation in the nature of appeals and the subject-matter of appeals. Different Courts are proposed to be established for this purpose—Board of Revenue, High Court, etc. Everybody has been given full power to rectify any mistakes that might have crept in. Any mistakes that are apparent on the face of the record can be reviewed. Only the question cannot be reviewed twice. Therefore, I think, on the whole, this sales tax legislation has been conceived quite properly. The various provisions have been dealt with and introduced here with a view to checking the evasion of tax and also with a view to seeing that, as far as possible, the difficulties of traders in regard to the maintenance of accounts are minimised. The provisions have been made with a view to seeing that there is no harassment of traders. But still there may be harassment because when we give power to a large number of officers, there may be harassment of traders. We have in this Bill made provision for finding fault at every turn and checking whether any evasion takes place. So, there may be cases of abuse. This is always there. We cannot help it. Anyhow, this is a matter in which we have to be very careful. Instructions will have to be given to the officers to deal with the traders in a very lenient fashion so that they may not be unduly or unnecessarily harassed. This is a general matter altogether so far as this Bill is concerned. I think, on the whole, this Bill has come in a proper shape, though here and there we will make representations still. I may assure Sri Kosalram that the levy of this tax is not unconstitutional. That was the argument in Courts before, as you all know. The levy of sales tax was said to be unconstitutional. But everything has been set at rest. Even in Courts one will find there is not much scope for lawyers; even so for judges to decide any points. (Sri K. T. Kosalram : So glad to hear it.) The whole thing has been looked into, and so far as I can myself see, there is very little scope for any misinterpretation or for any tendency to litigation in this Bill. I hope and trust . . .

5 30 P.M.

SRI V. V. RAMASWAMI : 'Bill' சரியாக இருக்கிறது என்றுதானே சொல்கிறீர்கள்? அவர்கள் கோர்ட்டுக்குப் போகக்கூடாது என்று சொல்லவில்லையே?

SRI K. BALASUBRAMANYA AYYAR : I do not think we should in a democracy ever distrust Courts. Courts ought to be there and should be there. Some people may commit mistakes. That is no reason why we should say that Courts should not be there. Especially in regard to a taxation measure, Courts have got full power and full responsibility. I do not ask people to go to Courts. The people who pay the tax go to the Courts. We cannot prevent them from going to Courts. It is their interest. They will go to Courts when they are effected.

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Sri, as was said long ago, nobody likes to pay taxes, however much we might say that people will give taxes. The art of Government is to see how to get revenue. These are the two things that will always be there. Therefore it is I am stating here that so far as this Bill is concerned, all of us should be really happy that a consolidated Bill, with a great deal of attention paid to its details, has been finally put before us. . .

SRI V. V. RAMASWAMI : அதில் 22 செக்ஷன்கள் இருந்தன இதிலே 61 செக்ஷன்கள் இருக்கின்றன.

SRI K. BALASUBRAMANYA AYYAR : There are a number of Schedules. There are one or two matters about which I still want to make mention. They are questions of principle. There is one thing which was discussed from time to time,, and that is the tax on foodgrains. The Report of Dr. Lokanathan mentions about it. He comes to the conclusion that there cannot be a total exemption now from tax. He does not favour exemption immediately, but he is for a concessional rate of half a per cent. This was his idea. Finally, he says on page 15 of his Report—

" . . . If and when it is found that the revenue receipts from the single-point levy are adequate and may be safely relied upon to yield at least the present level of revenues, I suggest the following order of priorities for giving further relief :—

(1) The turnover limit should be raised to Rs. 25,000;

(2) all essential articles, e.g., foodgrains, milk should be exempt from taxation; and

(3) the multi-point levy may be altogether abolished."

I am now making reference to item 2, namely, all essential articles, e.g., foodgrains, milk, etc. These should be exempt from taxation. But Dr. Lokanathan has recommended that a concessional rate of half a per cent may be there. Finally, he puts it this way—

" There is a widespread demand in the State for the abolition or at least a reduction of the tax on essential commodities. While on grounds of equity they may deserve exemption, I am not recommending it for two reasons :—

(i) An exemption would remove one of the important ways in which a large mass of the people can be made to contribute at least something to the resources needed for developmental effort; and

(ii) until the revenue yield under the reformed system is clearly known, it would be safer to retain the tax."

I feel that on the whole—I am only prognosticating—under the reformed system, the Government will get more revenue. He too can only prognosticate.

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SRI V. V. RAMASWAMI : 14 கோடி கிடைக்கும் என்று சொல்லி விட்டாக்களே.

SRI K. BALASUBRAMANYA AYYAR : Dr. Lokanathan again says—

"However, in deference to the justifiably insistent demand for relief as well as broad economic and social grounds, I recommend that a concessional rate of half per cent on foodgrains, pulses and vegetables including fresh coconuts be levied. I also recommend that milk which is an essential article of food to the people be taxed at the concessional multi-point rate of half per cent."

This is the conclusion of Dr. Lokanathan. But here in the Bill we have said that the rate shall be one per cent in the case of foodgrains, namely, wheat, paddy (rice in husk), cholam, cumbu, etc. Therefore, one per cent is the rate of foodgrains. There is now a high rise in the prices of foodgrains. This problem has not yet been fully solved. There may be State trading in foodgrains also. Our final goal is that the State should purchase rice or paddy from the producers themselves. At present, the Government are procuring the grain from the wholesale dealers and millers. Our economic objective is that purchasing should be done, as in Japan, by the State itself. The State should finally purchase from the producers themselves and be responsible for giving all credit facilities through co-operative societies to all the producers. That is the economic objective we have. In order to lead up to that economic objective and in order to see that there is no increase in price under the pretext that various intermediaries come in and pay tax, and also in order to realise our economic objective, I would strongly appeal to the Government to take full courage in their hands and see that foodgrains are exempted from this tax. This is a thigh which I would appeal strongly to the Government to do. This is my first point. More than this I need not dilate upon at the present moment.

SRI A. GAJAPATHY NAYAGAR : There will be loss of revenue.

SRI V. V. RAMASWAMI : 50 லட்சமோ என்னவோ கணக்குக் கொடுத்திருக்கிறார்கள்.

SRI K. BALASUBRAMANYA AYYAR : Even if there is a loss of revenue, it has been suggested by Sri K. Santhanam that we could replenish it by taxation at source. That can be considered. That is a matter for the consideration of the Government. I cannot give any solution to the Government. But there is a very insistent demand for exemption, and this is necessary so far as the economic adjustment in our country is concerned, especially when the problem of rise in prices has not yet been fully solved and self-sufficiency has not yet been attained. Some of the figures may say that we have attained self-sufficiency, but as a matter of

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fact, self-sufficiency has not been fully reached. Therefore it is I state that we must, as a pure question of economic policy, consider the question of giving exemption to foodgrains. Dr. Lokanathan also says that we must take into consideration the economic development and social grounds. Taking all these social and economic grounds into consideration, I think, even if there is some likelihood of loss of revenue, which can be replenished otherwise, we must grant exemption to foodgrains. When we introduced Prohibition, we lost Rs. 17 crores. Therefore it is I say that we must do it. I would strongly appeal to the Government to do it. It was said that after the resources were completely known, they would think of doing it. Even now, they may consider this point. That is my submission and that is my appeal to the Government. That is my request to the Government at this juncture. I shall leave the matter at that. It is purely a matter of economic policy, because it affects the consumer and the consumer is put to great difficulty. We are unable really to abolish the intermediaries. It is very difficult to do that. Between the actual producer and the consumer, there will be five, six or even seven intermediaries. They could not be abolished so easily. There will be not less than five of them. If and when the intermediaries are abolished, are done away with, we will find that the producer himself is satisfied and that the prices go down. That is my view. How to do it and how to effect a reduction in the prices? That is the problem. It has not been solved yet. As yet, no economist has helped us to solve this problem. Nobody is able to give the reason for the rise in prices. It has been said that it may all be due to the tempo of activities during the First Five-Year Plan period and now the current Second Five-Year Plan period. Now, we may expect that the tempo will be still greater in the years to come. In that case, the prices will never go down. Of course, we want tempo. But, it is for the economists to give us the solution in this regard. It is for experienced administrators to put their heads together and suggest ways and means to solve this problem. As yet, no suggestion has really been made. I have attended many Economists' Conferences and I have asked this question in all of them. But still, nobody has been able up till now to answer this question satisfactorily. In 1954 or so, the prices went down and immediately thereafter we found that the prices went up. In 1958 also, the prices went up. Even during the Second Five-Year Plan period, the prices have gone up and also gone down. What is it all due to? One is not able to understand it. Honestly I say that I am unable to understand it. I do not think any economist or administrator or even a Commissioner of Civil Supplies has been able to give us a satisfactory answer for these ups and downs. We hear statements being made on the floor of the House. The other day when I was talking with a number of merchants, they said that they got rice from other places and that that was how they had replenished their own stocks. They still say that is being done. I do not know how far it is true or correct. This is a matter which has to be gone into by the

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Government thoroughly before arriving at a final decision. Whether we are really self-sufficient is a matter of doubt. The Government should consider all these aspects rather carefully and thoroughly and see whether these have got any effect on the lowering of prices. That is what I want to say so far as this particular matter is concerned.

Then, one salutary principle that has been accepted in this Bill is with reference to compounding. It is a very good thing, which has been recommended by Dr. Lokanathan. But, the limit has been put at only Rs. 25,000. It has to be increased. That is what I feel. I think there is also a demand from the merchant community in this regard. I want this to be increased not because the merchants have demanded it, but because I am myself fully convinced that if only the limit is raised to, say, Rs. 1 lakh—the Government can adopt their own slabs—it will really be very good. Let the Government consider this aspect with their experienced sales tax officials. If only they agree to this suggestion, I am sure it will go a long way to avoid harassment and other difficulties experienced by the merchants. It will relieve them of the trouble of keeping accounts, appearing before officials and all those things. At the same time, the Government could also get a good income. Now, let us see how many officials have to be employed by the Government to check evasion, hear appeals and dispose of cases and all those things. Consider the salaries and allowances that will have to be paid to a large number of them. They will also ask for increased salaries and increased allowances. There are so many such difficulties. It is not easy to check evasion even if the Government were to spend a large sum of money on the staff which they will have to employ for this purpose. Thus, the Government will have to spend lakhs of rupees before they could effectively check evasion. That is the difficulty with which we are confronted. Therefore it is I say that if the Government agree to increase the limit to Rs. 1 lakh—as I said, the Government may put a suitable slab rate according to some rough calculation—the merchants will be very much satisfied. I think there was a demand from the merchants in the recent Merchants' Conference also in this regard. So, I request the Government to look into the matter and do something. As this is a very important matter, I have made a specific mention about it.

Lastly, I would like to refer to another important aspect. I do not wish to take much time of the House by referring to all the details. I shall refer to the other matters when we take up the clauses for consideration. However, I wish to refer to clause 59. The Hon. Minister is perhaps fully convinced that that provision is proper. I know he will have that opinion. Still, I feel that it is too wide a power given to the Government. This is what is stated there. 'The Government may by notification, alter, add to or cancel any of the Schedules'. Sir, it is not a question of mere rate. It is not a question of merely altering the rate or cancelling or reducing it. It is stated '. . . . alter, add to or

cancel . . .' All these things fully involve questions of policy. That is what I wish to say in this connexion. Whether a particular article should come under the multi-point schedule or the single-point schedule, whether the single-point levy on a particular article should be changed to multi-point levy and whether the rate in respect of an article should be reduced or increased or cancelled, are all matters of policy. The Legislature must have full power to consider those things in the various stages. Otherwise, there is no point in asking for the support of the Legislature to the Government's policies. As I said, these are matters of policy. When a commodity is added to a Schedule and the Government begin to collect the tax and after some time, if they cancel the tax, it will not matter much. The point to be considered is whether it will be held valid or invalid. That is the point which the Government will have to consider. I feel that this is a very wide power given to the Government. Of course, the Hon. Minister has cited the parallel of the Indian Tariff Act. I have looked into the provisions of this Tariff Act. It is a very important Act and it is for the Central Government to take sufficient steps to implement the various provisions of that Act. No doubt, we find therein the notification policy. I shall refer to this portion of that Act. No doubt it is stated there, ' The Central Government may, by notification in the Official Gazette fix, for the purpose of levying the said duties, tariff values of any articles enumerated, either specifically or under general headings, in the said Schedules as chargeable with duty *ad valorem* and may alter any tariff values for the time being in force. . . Different tariff values may be fixed for different classes of descriptions of the same article . . .' That is what is stated there. So, it is a Central subject, so to say. Now, let us see what section 3-A of that Act says. It starts like this, ' Where the Central Government upon a recommendation made to it in this behalf by (the Tariff Commission established under the Tariff Commission Act, 1951). . .' It refers to the Tariff Commission, a body appointed under a separate Act called the Tariff Commission Act. It is entrusted with the duty of looking into and surveying the whole thing and recommending from time to time on what articles duty can be levied, both in respect of import and export. That is a statutory body entrusted with this sole task. Section 3-A clearly says: ' Where the Central Government, upon a recommendation made to it in this behalf by the Tariff Commission established under the Tariff Commission Act of 1951 is satisfied that circumstances exist which render it necessary to take immediate action to provide for the protection of the interests of any industry established in India, the Central Government may by notification in the Official Gazette impose on any goods imported into India in respect of which the said recommendation is made a duty of customs of such amount not exceeding the amount proposed in the said recommendation, as it thinks fit.' Therefore, the Tariff Commission should advise and the advice should be in the interests of the industry. Then the Government should be satisfied that to provide for the protection

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of the interests of the industry, it is necessary to take immediate action. All these conditions should be satisfied. Then, where a notification is issued, a Bill should follow it during the next session of Parliament following the date of issue of the notification. Now let us look at section 4-A. It says: 'Where in respect of any article, whether included in the Second Schedule or not, the Central Government is satisfied that the export duty leviable thereon should be increased or that an export duty should be levied, and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification in the Official Gazette, direct an amendment of the Second Schedule to be made so as to provide for an increase in the export duty leviable, or, as the case may be, the levy of an export duty, on that article.' Then the condition follows that 'every such notification shall be laid before Parliament, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it.' So, if Parliament is sitting, it should be done immediately. Otherwise, it should be done within seven days of its re-assembly. So, these are hedged in with so many qualifications. But the provision in the Sales Tax Bill gives power to alter, add to or cancel any of the Schedules, all by notification. The Act bristles with questions of policy. Nobody is sure whether every transaction is taxable. As the Hon. Minister himself has said on many occasions, the merchants themselves are not sure whether single-point levy is good or multi-point levy is good. So, I do not want Government to precipitate matters. The Government are given a *carte blanche* which is much more than their Ordinance-making power. The Ordinance-making power can be used when the Legislature is not in session but there it has to be regularized later by introducing a Bill. Sir, Article 265 of the Constitution says that a tax can only be levied by authority of law. Here it is said when a notification is cancelled by the Legislature, it will be without prejudice to the action alraedy taken. They have collected some money under the notification but that lacks authority of law in the real sense. Whether constitutional or unconstitutional, the Government should not be given such a wide power.

SRI A. M. ALLAPICHAI: What about sub-clause (2)?

SRI K. BALASUBRAMANYA AYYAR: That does not come anywhere near what I have mentioned. The Government need not take this power. They have always got the power to issue Ordinances and they have used this power most in sales tax matters, e.g., motor spirit tax.

SRI A. GAJAPATHY NAYAGAR: How is clause 59 different from clause 17?

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SRI K. BALASUBRAMANYA AYYAR : We ourselves give power to the Government to exempt certain articles. But this is not that power. This is to add, vary or cancel by notification. I would, therefore, ask whether we should give such a wide power to the Government. There are many other points which I want to mention but I shall do so when the amendments are taken up.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 108. *Fourth Report of the Committee on Estimates* (1958–59), *on Agricultural Experimental Farms, Agricultural Demonstration and Propaganda including Public Exhibitions and Fairs.*

† *Bill passed by the Assembly and received therefrom in the Council.*

The Madras General Sales Tax Bill, 1959 (*L.A. Bill No.* 6 *of* 1958).

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* Laid on the table of the House on 16th February 1959.

† Sent by Special Messenger to all M.L.Cs. on 17th February 1959.

APPENDIX I.

[Vide answer to starred question No. 52 asked by Sri V. V. Ramaswami at the meeting of the Legislative Council held on 17th February 1959, page 93 supra.]

The following officers were deputed abroad for Training under the Programmes during the last three years :—

Serial number.	Name.	Year.	Subject.	Programme and nature of scholarship.
(1)	(2)	(3)	(4)	(5)
1	Sri K. S. Shanmugasundaram ..	1956	Animal Husbandry.	Expanded Technical Assistance Programme,
2	Sri T. Anantapadmanabhan ..	1957	Do.	Colombo Plan.
3	Sri K. N. Govindan Nayar ..	1957–58	Do.	Inter institutional arrangements with the University of Tennesse.
4	Sri K. S. Hegde	1957–58	Engineering Technology.	French scholarship.
5	Sri K. V. Rajaram	1958	Do.	Scholarship offered by Federal Republic of West Germany.
6	Sri R. Samuel	1957–58	Do.	West German scholarship.
7	Sri P. K. Chinnaswamy ..	1957–58	Do.	Scholarship offered by the Hamburg Chamber of Commerce.
8	Sri M. Anwarul Haq	1956–57	Specialisation in Turkish language.	Government of India.
9	Sri V. Krishnamurthy	1956–57	Botany ..	Colombo Plan.
10	Kumari T. Doraisamy	1957–58	General Science.	Government of India.
11	Sri S. P. Vedachalam	1956–57	Pathology ..	Colombo Plan.
12	Dr. C. B. Gopalakrishnan ..	1956–57	Forensic Medicine.	Do.
13	Dr. S. A. Kabir	1957–58	Anaesthesiology.	Do.
14	Dr. A. Srinivasan	1957–58	Cardiology ..	Do.
15	Dr. V. Ekambaram	1957	Leprosy Control.	W.H.O.
16	Dr. A. A. Aswatham	1958-59	Orthopaedic Surgery.	Government of India.

APPENDIX II.

[Vide answer to starred question No. 57 asked by Sri G. Krishnamoorthy at the meeting of the Legislative Council held on 17th February 1959, page 99 supra.]

Steps taken to expedite the closure and settlement of the Provident Fund accounts of retired teachers in non-pensionable service.

Instructions have been issued by the Director of Public Instruction to the Inspecting Officers—

(i) to check up on the proper maintenance of Teachers' Provident Fund recordes at the time of their inspection and visits to offices and institutions under their control;

(ii) to see that subscribers to the Teachers' Provident Fund apply to the postal authorities for their used-up pass books then and there and that the pass books are collected by the managers and forwarded to the officers for safe custody till the time the accounts have to be closed ; and

(iii) to undertake a scrutiny of all the Teachers' Provident Fund case files of teachers and take steps to ask the managements to apply for copies of post office ledger entries in cases where used-up pass books are not available.

2. Instructions are also issued periodically to the officers detailing the records, statements, certificates, etc., that should be sent to the Accountant-General, when claiming Government contribution and advising the officers to see that omissions are avoided to enable the Accountant-General to pass the Government contribution quickly.

3. Powers have been delegated to the District Educational Officers and Inspectresses for the condonation of belated deposits in respect of Provident Fund accounts of the teachers without any limit on the length of the delay, and also for forwarding claim for Government contribution direct to the Accountant-General, even after three years after closing the accounts.

4. Quarterly statements of pending cases of closure of Teachers' Provident Fund accounts of teachers are called for by the Director and they are reviewed and instructions are given wherever necessary for expeditious closure of the cases. Where bad delays are noticed on the part of the correspondents in furnishing the required particulars to the officers they are addressed by the Director of Public Instruction directly and action is pursued to make them furnish the particulars to facilitate the quick disposal of the cases.

5. The Director of Public Instruction has been empowered to relax 13 (*a*) of the Teachers' Provident Fund Rules where necessary to waive the production of certain records required under that rule.

APPENDIX III.

[Vide item III on page 105 supra.]

L.A. BILL No. 6 OF 1958.

(As passed by the Assembly.)

A Bill to consolidate and amend the laws relating to the levy of a general tax on the sale or purchase of goods in the State of Madras.

WHEREAS it is expedient to consolidate and amend the laws relating to the levy of a general tax on the sale or purchase of goods in the State of Madras;

BE it enacted in the Tenth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras General Sales Tax Act, 1959.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " Appellate Assistant Commissioner " means any person appointed to be an Appellate Assistant Commissioner under section 28;

(*b*) " Appellate Tribunal " means the Tribunal appointed under section 30;

(*c*) " assessing authority " means any person authorized by the Government or by any authority empowered by them, to make any assessment under this Act;

(*d*) " business " includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture, whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern;

(*e*) " casual trader " means a person who has, whether as principal, agent, or in any other capacity, occasional transactions of a business nature involving the buying, selling, supply or distribution of goods in the State, whether for cash, or for deferred payment, or for commission, remuneration, or other valuable consideration;

(*f*) " Commercial Tax Officer " means any person appointed to be a Commercial Tax Officer under section 28;

(*g*) " dealer " means any person who carries on the business of buying, selling, supplying or distributing goods, directly or

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otherwise, whether for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, and includes—

(i) the Central Government, a State Government, local authority, company or Hindu undivided family, which carries on such business;

(ii) a casual trader;

(iii) a commission agent, a broker or a *del credere* agent, or an auctioneer or any other mercantile agent, by whatever name called, who carries on the business of buying, selling, supplying or distributing goods on behalf of any principal;

(iv) every local branch of a firm or company situated outside the State.

Explanation.—A society (including a co-operative society), club or firm or an association which, whether or not in the course of business, buys, sells, supplies or distributes goods from or to its members for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, shall be deemed to be a dealer for the purposes of this Act;

(*h*) "declared goods" means goods declared by section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), to be of special importance in inter-State trade or commerce;

(*i*) "Deputy Commissioner" means any person appointed to be a Deputy Commissioner of Commercial Taxes under section 28;

(*j*) "goods" means all kinds of movable property (other than newspapers, actionable claims, stocks and shares and securities) and includes all materials, commodities, and articles (including those to be used in the fitting out, improvement or repair of movable property); and all growing crops, grass or things attached to, or forming part of, the land which are agreed to be severed before sale or under the contract of sale;

(*k*) "Government" means the State Government;

(*l*) "place of business" includes a warehouse, godown or other place where a dealer stores his goods or a place where a dealer keeps his books of account;

(*m*) "registered dealer" means a dealer registered under this Act;

(*n*) "sale" with all its grammatical variations and cognate expressions means every transfer of the property in goods by one person to another in the course of business for cash or for deferred payment or other valuable consideration, and includes a transfer of property in goods involved in the execution of a works contract, but does not include a mortgage, hypothecation, charge or pledge;

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Explanation (1).—The transfer of property involved in the supply or distribution of goods by a society (including a co-operative society), club, firm, or any association to its members, for cash, or for deferred payment, or other valuable consideration, whether or not in the course of business shall be deemed to be a sale for the purposes of this Act.

Explanation (2).—A transfer of goods on the hire-purchase or other instalment system of payment shall, notwithstanding the fact that the seller retains the title in the goods as security for payment of the price, be deemed to be a sale.

Explanation (3).—(*a*) The sale or purchase of goods shall be deemed, for the purposes of this Act, to have taken place in the State, wherever the contract of sale or purchase might have been made, if the goods are within the State—

(i) in the case of specific or ascertained goods, at the time the contract of sale or purchase is made; and

(ii) in the case of unascertained or future goods, at the time of their appropriation to the contract of sale or purchase by the seller or by the purchaser, whether the assent of the other party is prior or subsequent to such appropriation.

(*b*) Where there is a single contract of sale or purchase of goods situated at more places than one, the provisions of clause (*a*) shall apply as if there were separate contracts in respect of the goods at each of such places.

Explanation (4).—Notwithstanding anything to the contrary contained in this Act, two independent sales or purchases shall, for the purposes of this Act, be deemed to have taken place—

(*a*) when the goods are transferred from a principal to his selling agent and from the selling agent to the purchaser, or

(*b*) when the goods are transferred from the seller to a buying agent and from the buying agent to his principal, if the agent is found in either of the cases aforesaid—

(i) to have sold the goods at one rate and to have passed on the sale-proceeds to his principal at another rate, or

(ii) to have purchased the goods at one rate and to have passed them on to his principal at another rate, or

(iii) not to have accounted to his principal for the entire collections or deductions made by him in the sales or purchases effected by him on behalf of his principal;

(*o*) " State " means the State of Madras;

(*p*) " taxable turnover " means the turnover on which a dealer shall be liable to pay tax as determined after making such deductions from his total turnover and in such manner as may be prescribed;

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(q) " total turnover " means the aggregate turnover in all goods of a dealer at all places of business in the State, whether or not the whole or any portion of such turnover is liable to tax;

(r) " turnover " means the aggregate amount for which goods are bought or sold, or supplied or distributed, by a dealer, either directly or through another, on his own account or on account of others whether for cash or for deferred payment or other valuable consideration, provided that the proceeds of the sale by a person of agricultural or horticultural produce, other than tea, grown within the State by himself or on any land in which he has an interest whether as owner, usufructuary mortgagee, tenant or otherwise, shall be excluded from his turnover;

Explanation (1).—" Agricultural or horticultural produce " shall not include such produce as has been subjected to any physical, chemical or other process for being made fit for consumption, save mere cleaning, grading, sorting or drying;

Explanation (2).—Subject to such conditions and restrictions, if any, as may be prescribed in this behalf—

(i) the amount for which goods are sold shall, in relation to a works contract, be deemed to be the amount payable to the dealer for carrying out such contract, less such portion as may be prescribed of such amount, representing the usual proportion of the cost of labour to the cost of materials used in carrying out such contract;

(ii) the amount for which goods are sold shall include any sums charged for anything done by the dealer in respect of the goods sold at the time of, or before the delivery thereof;

(iii) any cash or other discount on the price allowed in respect of any sale and any amount refunded in respect of articles returned by customers shall not be included in the turnover; and

(iv) where for accommodating a particular customer, a dealer obtains goods from another dealer and immediately disposes of the same to the said customer, the sale in respect of such goods shall be included in the turnover of the latter dealer but not in that of the former;

(s) " works contract " means any agreement for carrying out for cash or for deferred payment or other valuable consideration, the fitting out, improvement or repair of any movable property;

(t) " year " means the financial year.

3. *Levy of taxes on sales or purchases of goods.*—(1) Every dealer (other than a casual trader or agent of a non-resident dealer) whose total turnover for a year is not less than ten thousand rupees and every casual trader or an agent of a non-resident dealer, whatever be his turnover for the year, shall pay a tax for each year at the rate of two per cent of his taxable turnover :

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Provided that—

(i) in the case of foodgrains, namely, wheat, paddy, (rice in husk), rice (husked paddy), cholam, cumbu, ragi, thinai, varagu, samai and kudiraivali and in the case of rice products (for example, rice flour and rice bran), wheat products (for example, wheat flour, sooji and wheat bran), milk, fresh vegetables (other than those mentioned in the First Schedule), fresh fruits, betel and plantain leaves, flowers, eggs, meat and fish (other than canned meat and fish), the rate shall be one per cent.

(ii) dealers dealing exclusively in one or more of the goods enumerated in the foregoing clause except foodgrains, rice products, wheat products and milk and whose total turnover for a year is not more than thirty thousand rupees shall not be liable to pay tax under this sub-section.

(2) Notwithstanding anything contained in sub-section (1) in the case of goods mentioned in the First Schedule, the tax under this Act shall be payable by a dealer, at the rate and only at the point specified therein on the turnover in each year relating to such goods whatever be the quantum of turnover in that year.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the tax payable by a dealer in respect of any sale of goods mentioned in the First Schedule by such dealer to another for use by the latter as component part of any other goods mentioned in that Schedule, which he intends to manufacture for sale inside the State, shall be at the rate of only one per cent on the turnover relating to such sale :

Provided that the provisions of this sub-section shall not apply to any sale unless the dealer selling the goods furnishes to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority.

4. *Tax in respect of declared goods.*—Notwithstanding anything contained in section 3, the tax under this Act shall be payable by a dealer on the sale or purchase inside the State of declared goods at the rate and only at the point specified against each in the Second Schedule on the turnover is such goods in each year whatever be the quantum of turnover in that year.

Provided that where a tax has been levied under this section in respect of the sale or purchase of declared goods and such goods are sold in the course of inter-State trade or commerce the tax so levied shall be refunded to such person in such manner and subject to such conditions as may be prescribed.

5. *Tax on goods purchased by dealers registered under Central Act 74 of 1956.*—Notwithtsanding anything contained in sub-section (1) of section 3, every dealer registered under sub-section (3)

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of section 7 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), shall, whatever be the quantum of his turnover, pay tax for each year in respect of the sale of goods with reference to the purchase of which he has furnished a declaration under sub-section (4) of section 8 of the aforesaid Central Act, at the rates specified hereunder—

(*a*) one per cent of his taxable turnover, in the case of goods mentioned in clause (i) of the proviso to sub-section (1) of section 3;

(*b*) two per cent of his taxable turnover in the case of other goods liable to tax under sub-section (1) of section 3.

6. *Tax under this Act to be in addition to the tax under Central Act* 74 *of* 1956 *or any other law.*—The provision of this Act relating to taxation of successive sales or purchases inside the State, only at a single point or at one or more points shall apply only to sales or purchases inside the State (other than sales or purchases in the course of inter-State trade or commerce) and the tax under this Act shall be levied in addition to any tax levied under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) or any other law for the time being in force.

7. *Payment of tax at compounded rates.*—(1) Notwithstanding anything contained in sub-section (1) of section 3, every dealer whose total turnover is not less than ten thousand rupees but not more than twenty-five thousand rupees, may at his option instead of paying the tax in accordance with the provisions of that sub-section pay tax at the following rates, namely :—

	Rate of tax.
(i) Where the total turnover is not less than ten thousand rupees, but is less than fifteen thousand rupees.	One hundred and twenty rupees per annum.
(ii) Where the total turnover is not less than fifteen thousand rupees, but is less than twenty thousand rupees.	One hundred and eighty rupees per annum.
(iii) Where the total turnover is not less than twenty thousand rupees, but is not more than twenty-five thousand rupees.	Two hundred and forty rupees per annum.

(2) Any dealer who estimates his total turnover for a year to be not more than twenty-five thousand rupees may apply to the assessing authority to be permitted to pay the tax under this section and on being so permitted he shall pay the tax due in advance during the years in monthly or prescribed instalments and for that purpose shall submit such returns in such manner as may be prescribed.

(3) The tax paid under sub-section (2) shall be subject to such adjustment as may be prescribed on the completion of final assessment in the manner prescribed.

8. *Exemption from tax.*—Subject to such restrictions and conditions as may be prescribed, a dealer who deals in the goods specified in the Third Schedule shall not be liable to pay any tax under this Act in respect of such goods.

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9. *Stage of levy of taxes in respect of imported and exported goods.*—Where in the case of any goods tax is leviable at one point in a series of sales or purchases, such series shall—

(*a*) in the case of goods imported into the State either from outside the territory of India or from any other State in India, be deemed to commence at the stage of the sale or purchase effected immediately after the import of such goods;

(*b*) in the case of goods exported out of the State to any place outside the territory of India or to any other State in India, be deemed to conclude at the stage of sale or purchase effected immediately before the export of such goods.

10. *Burden of proof.*—The burden of proving that any dealer or any of his transactions is not liable to tax under this Act shall lie on such dealer.

11. *Assessment of tax.*—The tax under this Act shall be assessed, levied and collected in such manner as may be prescribed.

12. *Procedure to be followed by the assessing authority.*—(1) The assessment of a dealer shall be on the basis of the prescribed return relating to his turnover submitted in the prescribed manner within the prescribed period.

(2) If no return is submitted by the dealer under sub-section (1) within the prescribed period, or if the return submitted by him appears to the assessing authority to be incomplete or incorrect the assessing authority shall, after making such enquiry as it may consider necessary, assess the dealer to the best of its judgment:

Provided that before taking action under this sub-section, the dealer shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(3) When making any assessment under sub-section (2), the assessing authority may also direct the dealer to pay, in addition to the tax assessed, a penalty not exceeding one and a half times the amount of tax due on the turnover that was not disclosed by the dealer in his return or, in the case of failure to submit a return, one and half times the tax assessed, as the case may be.

13. *Provisional assessment.*—(1) The tax for each year payable under any of the provisions of this Act may be assessed, levied and collected in advance during the year in monthly or other prescribed instalments, and for that purpose a dealer may be required to furnish within the prescribed period either an advance estimate of his turnover for the year, or such periodical returns of the actual turnover as may be prescribed. The assessing authority may determine the amount of tax payable in respect of any period and on such assessment the dealer shall pay the sum demanded within such time as may be fixed by such authority.

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(2) If no return is submitted by the dealer under sub-section (1) within the prescribed period, or if the return submitted by him is incomplete or incorrect, the assessing authority may determine, subject to such rules as may be prescribed, the amount of tax payable in respect of any period on the basis of the transactions of the dealer in the preceding year or the corresponding period of the preceding year, as the case may be :

Provided that before taking action under this sub-section on the ground that the return submitted by the dealer is incomplete or incorrect, the dealer shall be given a reasonable opportunity of proving the correctness or completeness of the return submitted by him.

(3) If the assessing authority has reason to believe that the provisional assessment made by it for any period was based on too low a turnover or wasmad e at to low a rate or was based on too high a turnover or was made at too high a rate it may enhance or reduce, as the case may be, such provisional assessment :

Provided that before making an enhancement of the provisional assessment as aforesaid, the assessing authority shall, except where such enhancement is based on the turnover finally determined for the preceding year, give a reasonable opportunity to the dealer to show cause against such enhancement and make such enquiry as it may consider necessary.

(4) The assessment, levy and collection of tax under this section shall be subject to such adjustment as may be prescribed on the completion of final assessment in the manner prescribed.

14. *Fresh assessment in certain cases.*—(1) Any dealer assessed under sub-section (2) of section 12 may, within a period of thirty days from the date of service of the assessment order, apply to the assessing authority for re-assessment, along with the correct and complete return as prescribed. On such application, the assessing authority shall, if it is satisfied that the failure to submit the return in time or the submission of the incorrect or incomplete return was due to reasons beyond the control of the applicant, cancel the assessment made and make a fresh assessment on the basis of the return submitted :

Provided that no application shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of tax admitted by the applicant to be due or any such instalment thereof as might have become payable, as the case may be.

(2) If the amount of tax on the basis of the cancelled assessment has already been collected and if the amount of tax arrived at as a result of the fresh assessment is different from it, any amount overpaid by the dealer shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

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(3) Penalty, if any imposed and collected under sub-section (3) of section 12, shall be refunded to the dealer without interest on cancellation of the order of original assessment.

15. *Assessment of legal representatives.*—Where a dealer dies, his executor, administrator, or other legal representative shall be deemed to be the dealer for the purposes of this Act and the provisions of this Act shall apply to him in respect of the business of the said deceased dealer, provided that, in respect of any tax or fee assessed as payable by any such dealer or any tax or fee which would have been payable by him under this Act if he had not died, the executor, administrator or other legal representative shall be liable only to the extent of the assets of the deceased in his hands.

16. *Assessment of escaped turnover.*—(1) Where, for any reason, the whole or any part of the turnover of business of a dealer has escaped assessment to tax or has been assessed at a rate lower than the rate at which it is assessable, the assessing authority, may subject to the provisions of sub-section (2), at any time within a period of five years from the expiry of the year to which the tax relates, assess the tax payable on such turnover after service of notice on the dealer and after making such enquiry as it may consider necessary.

(2) In making an assessment under sub-section (1), the assessing authority may, if it is satisfied that the escape from assessment is due to wilful non-disclosure of assessable turnover by the dealer, direct the dealer to pay, in addition to the tax assessed under sub-section (1), a penalty not exceeding one and a half times the tax so assessed :

Provided that no penalty under sub-section (2) shall be imposed unless the dealer affected has had a reasonable opportunity of showing cause against such imposition.

(3) The powers under sub-section (1) may be exercised by the assessing authority even though the original order of assessment, if any, passed in the matter has been the subject-matter of an appeal or revision.

(4) In computing the period of limitation for assessment of the escaped turnover under this section, the time during which the proceedings for assessment remained stayed under the orders of a Civil Court or other competent authority shall be excluded.

17. *Power of Government to notify exemptions and reductions of tax.*—(1) The Government may, by notification, make an exemption, or reduction in rate, in respect of any tax payable under this Act—

(i) on the sale or purchase of any specified goods or class of goods, at all points or at a specified point or points in the series of sales by successive dealers; or

(ii) by any specified class of persons, in regard to the whole or any part of their turnover.

(2) Any exemption from tax, or reduction in the rate of tax, notified under sub-section (1)—

(a) may extend to the whole State or to any specified area or areas therein;

(b) may be subject to such restrictions and conditions as may be specified in the notification.

(3) The Government may, by notification, cancel or vary any notification issued under sub-section (1).

18. *Liability to tax of persons not observing restrictions and conditions notified under section* 17.—If any restriction or condition notified under section 17 is contravened or is not observed by a dealer, the sales or purchases of such dealer may, with effect from the commencement of the year in which such contravention or non-observation took place, be assessed to tax or taxes under the appropriate provisions of this Act as if the provisions of the notification under section 17 did not apply to such sales or purchases.

19. *Liability of firms.*—(1) Where any firm is liable to pay any tax or other amount under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment.

(2) Where a partner of a firm liable to pay any tax or any amount under this Act retires, he shall, notwithstanding any contract to the contrary, be liable to pay the tax or other amount remaining unpaid at the time of his retirement and any tax or other amount due up to the date of retirement, though unassessed.

20. *Registration of dealers.*—(1) Every dealer whose total turnover in any year is not less than seven thousand five hundred rupees shall, and any other dealer may, get himself registered under this Act.

(2) Notwithstanding anything contained in sub-section (1)—

(i) every dealer carrying on business in all or any of the goods mentioned in the First and Second Schedules;

(ii) every casual trader;

(iii) every dealer registered under sub-section (3) of section 7 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956);

(iv) every dealer residing outside the State, but carrying on business in the State;

(v) every agent of a non-resident dealer; and

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(vi) every commission agent, broker, *del credere* agent auctioneer, or any other mercantile agent, by whatever name called, who carries on the business of buying, selling, supplying or distributing goods on behalf of any principal shall get himself registered under this Act, irrespective of the quantum of his total turnover in such goods.

(3) Nothing contained in this section shall apply to any State Government or the Central Government.

21. *Procedure for registration.*—(1) An application for registration shall be made to such authority, in such manner and within such period as may be prescribed and shall be accompanied by a fee of ten rupees.

(2) If the prescribed authority is satisfied that the application is in order it shall register the applicant and issue to him a certificate in the prescribed form.

(3) A certificate issued under sub-section (2) shall be valid for a year and shall be renewed from year to year on payment of the fee specified in sub-section (1).

(4) A dealer registered under sub-section (1) or section 20 shall be entitled to have his registration cancelled, if he is able to prove to the satisfaction of the prescribed authority that his turnover in each of the two consecutive years immediately preceding the application was less than seven thousand five hundred rupees.

(5) The prescribed authority shall have power for good and sufficient reasons—

(i) to cancel, modify or amend any registration certificate issued by him; and

(ii) to demand from any dealer who has been registered or has applied for registration under this sub-section, security for proper payment of tax by him for an amount not exceeding one half of thetax payable on the turnover of the dealer for the year as estimated by the prescribed authority.

(6) No application for registration and no renewal under this section shall be refused and no order under sub-section (5) shall be made, unless the dealer concerned has been given an opportunity of being heard.

(7) A dealer shall, until his registration is cancelled, be liable to pay the fees specified in sub-section (1) for every year subsequent to that in which he applied for registration :

Provided that when a dealer has ceased to do business in any year, and gives notice of the same to the prescribed authority, the shall not be liable to pay any registration fee from the commencement of the following year unless he resumes business.

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22. *Collection of tax by dealer.*—(1) No person who is not a registered dealer shall collect any amount by way of tax under this Act; nor shall a registered dealer make any such collection except in accordance with such conditions and restrictions, if any, as may be prescribed.

(2) If any dealer or person who is not liable to tax under this Act collects any amount purporting to be by way of tax, such dealer or person shall pay over to the Government within such time and in such manner as may be prescribed all amounts so collected.

(3) If any dealer or person collects tax on transactions not liable to tax under this Act or in excess of the tax leviable under this Act, such dealer or person shall pay over to the Government, in addition to the tax payable the amount so collected.

23. *Levy of penalty in certain cases.*—If any person purchasing goods is guilty of an offence under clause (*e*) of sub-section (2) of section 45, the assessing authority, may, after giving him a reasonable opportunity of being heard, by order in writing impose upon him by way of penalty a sum not exceeding one and a half times the tax payable on the turnover relating to the sale of such goods at a rate which is equal to the rate prescribed in the First Schedule less one per cent:

Provided that no prosecution for an offence under section 45 shall be instituted in respect of the same facts on which a penalty has been imposed under this section.

24. *Payment and recovery of tax.*—(1) The tax assessed under this Act shall be paid in such manner and in such instalments, if any, and within such time, as may be specified in the notice of assessment, not being less than twenty-one days from the date of service of the notice. If default is made in paying according to the notice of assessment, the whole of the amount outstanding on the date of default shall become immediately due and shall be a charge on the properties of the person or persons liable to pay the tax under this Act.

(2) Any tax assessed on, or any other amount due under this Act form, a dealer or person and any fee from him under this Act, may without prejudice to any other mode of collection be recovered—

(*a*) as if it were an arrear of land revenue, or

(*b*) on application to any Magistrate, by such Magistrate as if it were a fine imposed by him:

Provided that no proceeding for such recovery shall be taken or continued as long as he has, in regard to the payment of such tax, other amount or fee, as the case may be, complied with an order by any of the authorities to whom the dealer or person has appealed or applied for revision, under sections 31, 33, 35, 36, 37 or 38.

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(3) If the tax assessed under this Act or any instalment thereof is not paid by any dealer or person within the time specified therefor in the notice of assessment or in the order permitting payment in instalments, the dealer or person shall pay by way of penalty, in addition to the amount due a sum equal to—

(*a*) half a per cent of such amount, for each month or part thereof for the first three months after the date specified for its payment;

(*b*) one per cent of such amount, for each month or part thereof subsequent to the first three months aforesaid.

25. *Recovery of penalty.*—Any penalty payable under this Act shall be deemed to be tax under this Act, for the purposes of collection and recovery and shall be without prejudice to the institution of any proceeding for an offence under this Act, or for the recovery of the entire amount remaining unpaid under this Act.

26. *Further mode of recovery.*—(1) The assessing authority may at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the dealer at his last address known to the assessing authority) require any person from whom money is due or may become due to the dealer or any person who holds or may subsequently hold money for or on account of the dealer to pay to the assessing authority, either forthwith upon the money becoming due or being held at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of tax or fee or the whole of the money when it is equal to or less than the arrears of tax or fee.

(2) The assessing authority may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the assessing authority shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person making any payment to the dealer after receipt of the notice referred to in this section shall be personally liable to the assessing authority to the extent of the payment made or to the extent of the liability of the dealer for the amount due under this Act, whichever is less.

(5) Where any person to whom a notice under this section is sent objects to it on the ground that the sum demanded or any part thereof is not due by him to the dealer, or that he does not hold any money for or on account of the dealer, then nothing

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contained in this section shall be deemed to require such person to pay the sum demanded or any part thereof, to the assessing authority.

(6) Any amount which a person is required to pay to the assessing authority or for which he is personally liable to the assessing authority under this section shall, if it remains unpaid, be a charge on the properties of the said person and may be recovered as if it were an arrear of land revenue.

Explanation.—For the purposes of this section, the amount due to a dealer or money held for or on account of a dealer by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such dealer to such person and as may be lawfully subsisting.

27. *Recovery of tax where business of dealer is transferred.*—Where the ownership of the business of a dealer liable to pay tax or other amount is transferred, any tax or other amount payable under this Act in respect of such business and remaining unpaid at the time of the transfer and any tax or other amount due up to the date of transfer though unassessed, may, without prejudice to any action that may be taken for its recovery from the transferor, be recovered from the transferee as if he were the dealer liable to pay such tax or other amount:

Provided that the recovery from the transferee of the arrears of taxes due for the period prior to the date of the transfer shall be limited to the value of the assets he obtained by transfer.

28. *Appointment of Deputy Commissioners of Commercial Taxes, Appellate Assistant Commissioners of Commercial Taxes, and Commercial Tax Officers.*—The Government may appoint as many Deputy Commissioners of Commercial Taxes, Appellate Assistant Commissioners of Commercial Taxes and Commercial Tax Officers as they think fit, for the purpose of performing the functions respectively conferred on them by or under this Act. Such officers shall perform the said functions within such local limits as the Government or any authority or officer empowered by them in this behalf may assign to them.

29. *Special powers of Commercial Tax Officers under Revenue Recovery Act.*—(1) A Commercial Tax Officer shall have the powers of a Collector under the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), and the Madras City Land Revenue Act, 1851 (Central Act XII of 1851), as amended by the Madras City Land Revenue (Amendment) Act, 1867 (Madras Act VI of 1867), for the purposes of recovery of any amount due under this Act.

(2) Subject to the provisions of sub-section (3) all Commercial Tax Officers shall, for the purposes of recovery of any amount due under this Act, have the powers of the Commissioners under

the Madras Rent and Revenue Sales Act, 1839 (Central Act VII of 1839), for the sale of property distrained for any amount due under this Act.

(3) Notwithstanding anything contained in the Madras Rent and Revenue Sales Act, 1839 (Central Act VII of 1839), the Commercial Tax Officer in the exercise of the powers conferred by sub-section (2) shall be subject to the control and superintendence of the Deputy Commissioner and the Board of Revenue.

30. *Appellate Tribunal.*—(1) The Government shall appoint an Appellate Tribunal consisting of a Chairman and two other members to exercise the functions conferred on the Appellate Tribunal by or under this Act. The Chairman shall be a Judicial Officer not below the rank of a District Judge and the other two members shall possess such qualifications as may be prescribed.

(2) Any vacancy in the membership of the Appellate Tribunal shall be filled by the Government.

(3) (*a*) The functions of the Appellate Tribunal may be exercised—

(i) by a Bench consisting of all the members of the Appellate Tribunal, or

(ii) by a Bench consisting of two members nominated in this behalf by the Chairman, or

(iii) by a Bench consisting of the Chairman and another member nominated in this behalf by the Chairman, or

(iv) by a single member of the Appellate Tribunal nominated in this behalf by the Chairman, in cases where the total turnover as determined by the assessing authority does not exceed twenty-five thousand rupees.

Explanation.—The single member referred to in sub-clause (iv) may be either the Chairman or any other member :

Provided that, if any case which comes up before a single member (who is not the Chairman) or a Bench (of which the Chairman is not a member) involves a question of law, such single member or Bench may, in his or its discretion, reserve such case for decision by a Bench of which the Chairman shall be a member.

(*b*) Where an appeal or application is heard by all the three members of the Tribunal, and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.

(*c*) Where an appeal or application is heard by a Bench consisting of two members, and the members are divided in their opinion on any point, the point shall be referred for decision to a Bench consisting of all the members.

(4) The Appellate Tribunal shall, with the previous sanction of the Government, make, by notification, regulations consistent with the provisions of this Act and the rules made thereunder for regulating the procedure and the disposal of its business.

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31. *Appeal to the Appellate Assistant Commissioner.*—(1) Any person objecting to an order passed by the appropriate authority under section 12, section 14, section 15, sub-sections (1) and (2) of section 16, section 18, section 23, section 27, sub-section (4) of section 41, or sub-section (3) of section 42, may, within a period of thirty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the Appellate Assistant Commissioner :

Provided that the Appellate Assistant Commissioner may admit an appeal presented after the expiration of the said period if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period :

Provided further that in the case of an order under section 12, section 14, section 15 or sub-sections (1) and (2) of section 16 no appeal shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due or of such instalments thereof as might have become payable as the case may be.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the Appellate Assistant Commissioner may, after giving the appellant a reasonable opportunity of being heard,

(*a*) in the case of an order of assessment—

(i) confirm, reduce, enhance or annul the assessment or the penalty or both;

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed; or

(iii) pass such other orders as he may think fit; or

(*b*) in the case of any other order, confirm, cancel, or vary such order :

Provided that at the hearing of any appeal against an order of the assessing authority, the assessing authority shall have the right to be heard either in person or by a representative.

(4) Where as a result of the appeal any change becomes necessary in the order appealed against the Appellate Assistant Commissioner may authorize the assessing authority to amend such order, accordingly and on such amendment being made, any amount overpaid by the appellant shall be refunded to him without interest or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

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(5) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred :

Provided that the Appellate Assistant Commissioner may, in his discretion, give such directions as he thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to his satisfaction, in such form and in such manner as may be prescribed.

32. *Special powers of the Deputy Commissioner.*—(1) The Deputy Commissioner may, of his own motion, call for and examine an order passed or proceeding recorded by the appropriate authority under section 12, section 14, section 15, or sub-sections (1) and (2) of section 16 and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may pass such order thereon as he thinks fit.

(2) The Deputy Commissioner shall not pass any order under sub-section (1), if—

(*a*) the time for appeal against the order has not expired;

(*b*) the order has been made the subject of an appeal to the Appellate Assistant Commissioner or the Appellate Tribunal, or of a revision in the High Court; or

(*c*) more than four years have expired after the passing of the order.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

33. *Powers of revision of Deputy Commissioner.*—(1) Any person objecting to an order passed or proceeding recorded under this Act for which an appeal has not been provided for in section 31, may within a period of thirty days from the date on which a copy of the order or proceeding was served on him in the manner prescribed, file an application for revision of such order or proceeding to the Deputy Commissioner :

Provided that the Deputy Commissioner may admit an application for revision presented after the expiration of the said period, if he is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

(2) An application for revision shall be in the prescribed form and shall be verified in the prescribed manner.

(3) On admitting an application for revision the Deputy Commissioner may call for and examine the record of the order or proceeding against which the application has been preferred and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act pass such order thereon as he thinks fit.

(4) Notwithstanding that an application has been preferred under sub-section (1), the tax, fee or other amount shall be paid in accordance with the order or proceeding against which the application has been preferred :

Provided that the Deputy Commissioner may in his discretion, give such directions as he thinks fit, in regard to the payment of such tax, fee or other amount, if the applicant furnishes sufficient security to his satisfaction in such form and in such manner as may be prescribed.

(5) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

34. *Special powers of Board of Revenue.*—(1) The Board of Revenue may of its own motion, call for and examine an order passed or proceeding recorded by the appropriate authority under section 12, section 14, section 15, or sub-section (1) or (2) of section 16 or an order passed by the Appellate Assistant Commissioner under sub-section (3) of section 31 or by the Deputy Commissioner under sub-section (1) of section 32 and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act may pass such order thereon as it thinks fit.

(2) The Board of Revenue shall not pass any order under sub-section (1) if—

(*a*) the time for appeal against that order has not expired; or

(*b*) the order has been made the subject of an appeal to the Appellate Tribunal or of a revision in the High Court; or

(*c*) more than four years have expired after the passing of the order.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

35. *Powers of revision by Board of Revenue.*—(1) Any person objecting to an order passed by the Deputy Commissioner under sub-section (3) of section 33, may within a period of 30 days from the date on which a copy of the order was served on him in the manner prescribed, file an application for revision of such order to the Board of Revenue :

Provided that the Board of Revenue may admit an application presented after the expiry of the said period if it is satisfied that the applicant had sufficient cause for not presenting the application within the said period.

(2) Such application for revision shall be in the prescribed form and shall be verified in the prescribed manner.

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(3) On admitting in application for revision, the Board of Revenue may call for and examine the record of the order against which the application has been preferred and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, pass such order thereon as it thinks fit. Such an order shall be final and shall not be liable to be questioned in any court of law.

(4) Notwithstanding that an application has been preferred under sub-section (1), the tax, fee or other amount shall be paid in accordance with the order against which the application has been preferred :

Provided that the Board of Revenue may, in its discretion give such directions as it thinks fit, in regard to the payment of such tax, fee or other amount, if the applicant furnishes sufficient security to its satisfaction in such manner as may be prescribed.

(5) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

36. *Appeal to the Appellate Tribunal.*—(1) Any person objecting to an order passed by the Appellate Assistant Commissioner under sub-section (3) of section 31, or an order passed by the Deputy Commissioner under sub-section (1) of section 32 may, within a period of sixty days from the date on which the order was served on him in the manner prescribed, appeal against such order to the Appellate Tribunal :

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed.

(3) In disposing of an appeal, the Appellate Tribunal may, after giving the appellant a reasonable opportunity of being heard.

(*a*) in the case of an order of assessment—

(i) confirm, reduce, enhance or annul the assessment or penalty or both ;

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed; or

(iii) pass such other orders as it may think fit ; or

(*b*) in the case of any other order, confirm, cancel or vary such order :

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Provided that at the hearing of any appeal against an order of the Appellate Assistant Commissioner or the Deputy Commissioner the assessing authority shall have the right to be heard either in person or by a representative;

Provided further that, if the appeal involves a question of law on which the Appellate Tribunal has previously given its decision in another appeal and either a revision petition in the High Court against such decision or an appeal in the Supreme Court against the order of the High Court thereon is pending, the Appellate Tribunal may defer the hearing of the appeal before it, till such revision petition in the High Court or the appeal in the Supreme Court is disposed of.

(4) Where as a result of the appeal any change becomes necessary in the order appealed against the Appellate Tribunal may authorise the assessing authority to amend such order accordingly and on such amendment being made any amount overpaid by the appellant shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred :

Provided that the Appellate Tribunal may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(6) (*a*) The appellant or the respondent may apply for review of any order passed by the Appellate Tribunal under sub-section (3) on the basis of the discovery of new and important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made :

Provided that no such application shall be preferred more than once in respect of the same order.

(*b*) The application for review shall be preferred in the prescribed manner and within one year from the date on which a copy of the order to which the application relates was served on the applicant in the manner pescribed and where the application is preferred by any party other than a departmental authority it shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed.

(7) Except as provided in the rules made under this Act the Appellate Tribunal shall not have power to award costs to either of the parties to the appeal or review.

(8) Every order passed by the Appellate Tribunal under sub-section (3) or (6) shall be communicated in the manner prescribed

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to the appellant, the respondent, the authority from whose order the appeal was preferred, the Deputy Commissioner, if he is not such authority, and the Board of Revenue.

(9) Every order passed by the Appellate Tribunal under sub-section (3) in the case of any person whose total turnover as determined by the Appellate Tribunal is less than Rs. 50,000 shall subject to the provisions of sub-section (6) be final and every such order passed by the Appellate Tribunal in the case of any person whose total turnover as determined by the Appellate Tribunal is Rs. 50,000 or over shall subject to the provisions of sub-section (6) and section 38 be final.

37. *Appeal to the High Court.*—(1) Any person objecting to an order passed by the Board of Revenue under section 34 may, within a period of sixty days from the date on which the order was served on him in the manner prescribed appeal against such order to the High Court.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the High Court may, after giving the appellant a reasonable opportunity of being heard,

(*a*) in the case of an order of assessment—

(i) confirm, reduce, enhance, or annul the assessment or penalty or both;

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed; or

(iii) pass such other orders as it may think fit; or

(*b*) in the case of any other order, confirm, cancel or vary such order:

Provided that at the hearing of any appeal the assessing authority shall have the right to be heard either in person or by a representative.

(4) Whereas a result of the appeal any change becomes necessary in the order appealed against, the High Court may authorise the assessing authority to amend such order accordingly and on such amendment being made, any amount over-paid by the appellant shall be refunded to him without interest, or the further amount of tax, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Every order passed in appeal under this section shall be final.

(6) Notwithstanding that an appeal has been preferred under sub-section (1), the tax shall be paid in accordance with the order of assessment against which the appeal has been preferred:

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Provided that the High Court may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax before the disposal of the appeal, if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(7) (*a*) The appellant or respondent may apply for review of any order passed by the High Court under sub-section (3) on the basis of the discovery of new and important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made.

(*b*) The application for review shall be preferred within such time and in such manner as may be prescribed, and shall, where it is preferred by the assessee, be accompanied by a fee of one hundred rupees.

38. *Revision by High Court.*—(1) In any case in which the total turnover as determined by the Appellate Tribunal is Rs. 50,000 or over and within sixty days from the date on which a copy of the order under sub-section (3) of section 36 is served in the manner prescribed, any person who objects to such order or the Deputy Commissioner may prefer a petition to the High Court on the ground that the Appellate Tribunal has either decided erroneously or failed to decide any question of law:

Provided that the High Court may admit a petition preferred after the period of sixty days aforesaid if it is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period.

(2) The petition shall be in the prescribed form, shall be verified in the prescribed manner, and shall, where it is preferred by any party other than the Deputy Commissioner be accompanied by a fee of one hundred rupees.

(3) If the High Court, on perusing the petition, considers that there is no sufficient ground for interfring, it may dismiss the petition summarily:

Provided that no petition shall be dismissed unless the petitioner has had a reasonable opportunity of being heard.

(4) (*a*) If the High Court does not dismiss the petition summarily, it shall, after giving both the parties to the petition a reasonable opportunity of being heard, determine the question of law raised and either reverse, affirm or amend the order against which the petition was preferred or remit the matter to the Appellate Tribunal, with the opinion of the High Court on the question of law raised or pass such order in relation to the matter as the High Court thinks fit.

(*b*) Where the High Court remits the matter under clause (*a*) with its opinion on the question of law raised, the Appellate Tribunal shall amend the order passed by it in conformity with such opinion.

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(5) Before passing an order under sub-section (4), the High Court may, if it considers it necessary so to do, remit the petition to the Appellate Tribunal, and direct it to return the petition with its finding on any specific question or issue.

(6) Notwithstanding that a petition has been preferred under sub-section (1), the tax shall be paid in accordance with the order against which the revision has been preferred :

Provided that the High Court may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax before the disposal of the petition, if the petitioner furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(7) If as a result of the petition any change becomes necessary in such assessment, the High Court may direct the assessing authority to amend the assessment accordingly, and on such amendment being made, any amount overpaid by the assessee shall be refunded to him without interest, or the further amount of tax due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(8) (*a*) The petitioner or the respondent may apply for review of any order passed by the High Court under clause (*a*) of sub-section (4) on the basis of the discovery of new and important facts which after the exercise of due diligence were not within his knowledge or could not be produced by him when the order was made.

(*b*) The application for review shall be preferred within such time, and in such manner as may be prescribed, and shall, where it is preferred by any party other than the Deputy Commissioner be accompanied by a fee of one hundred rupees.

(9) In respect of every petition or application preferred under sub-section (1), or clause (*a*) of sub-section (8) the costs shall be in the discretion of the High Court.

39. *Petitions, applications and appeals to High Court to be heard by a Bench of not less than two Judges.*—Every appeal preferred to the High Court under section 37 and every petition under section 38 shall be heard by a Bench of not less than two Judges, and in respect of such appeal or petition the provisions of section 98 of the Code of Civil Procedure, 1908 (Central Act V of 1908), shall, so far as may be, apply.

40. *Maintenance of true and correct accounts and records by dealers.*—Every person registered under this Act, every dealer liable to get himself registered under this Act, and every other dealer who is required so to do by the prescribed authority by notice served in the prescribed manner, shall keep and maintain a true and correct account in any of the languages specified in the

Eighth Schedule to the Constitution, or in English, showing such particulars as may be prescribed; and different particulars may be prescribed for different classes of dealers.

41. *Powers to order production of accounts, and powers of entry, inspection, etc.*—(1) Any officer empowered by the Government in this behalf may, for the purposes of this Act, require any dealer to produce before him the accounts, registers and other documents, and to furnish any other information relating to his business.

(2) All accounts, registers and other documents maintained by a dealer in the course of his business, the goods in his possession, and his offices, shops, godowns, vessels or vehicles shall be open to inspection at all reasonable times by such officer :

Provided that no residential accommodation (not being a place of business-*cum*-residence) shall be entered into and search by such officer except on the authority of a search warrant issued by a Magistrate having jurisdiction over the area, and all searches under this sub-section shall, so far as may be, be made in accordance with the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

(3) If any such officer has reason to suspect that any dealer is attempting to evade the payment of any tax, fee or other amount due from him under this Act he may, for reasons to be recorded in writing, seize such accounts, registers or other documents of the dealer as he may consider necessary, and shall give the dealer a receipt for the same. The accounts, registers and documents so seized shall be retained by such officer only for so long as may be necessary for their examination and for any inquiry or proceeding under this Act :

Provided that such accounts, registers and documents shall not be retained for more than thirty days at a time except with the permission of the next higher authority.

(4) Any such officer shall have power to seize and confiscate any goods which are found in any office, shop, godown, vessel, vehicle, or any other place of business or any building or place of the dealer, but not accounted for by the dealer in his accounts, registers and other documents maintained in the course of his business :

Provided that before ordering the confiscation of goods under this sub-section, the officer shall give the person affected an opportunity of being heard and make an inquiry in the prescribed manner.

Explanation.—It shall be open to the Government to empower different classes of officers for the purpose of taking action under sub-sections (1), (2) and (3).

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42. *Establishment of check post or barrier and inspection of goods while in transit.*—(1) If the Government consider that with a view to prevent or check evasion of tax under this Act in any place or places in the State, it is necessary so to do, they may, by notification, direct the setting up of a check post or the erection of a barrier or both, at such place or places as may be notified.

(2) At every check post or barrier mentioned in sub-section (1), or at any other place when so required by any officer empowered by the Government in this behalf, the driver or any other person in charge of any vehicle or boat shall stop the vehicle or boat, as the case may be, and keep it stationary as long as may reasonably be necessary, and allow the officer in charge of the check post or barrier, or the officer empowered as aforesaid, to examine the contents in the vehicle or boat and inspect all records relating to the goods carried, which are in the possession of such driver, or other person in charge, who shall, if so required, give his name and address and the name and address of the owner of the vehicle or boat as well as those of the consignor and the consignee of the goods.

(3) The officer in charge of the check post or barrier, or the officer empowered as aforesaid, shall have power to seize and confiscate any goods which are under transport by any vehicle or boat and are not covered by a delivery note, a Goods Vehicle Record, a Trip Sheet, or a Log Book, as the case may be, or by a bill of sale where one is required to be issued :

Provided that before ordering confiscation the officer shall give the person affected an opportunity of being heard and make an inquiry in the prescribed manner.

43. *Submission of certain records by owners, etc., of boats.*—The owner or other person in charge of a boat shall submit to the Commercial Tax Officer having jurisdiction over the area in which the goods are delivered copies of the log book with such further particulars, if any, and within such time, as may be prescribed under this Act.

44. *Submission of certain records by owners, etc., of goods vehicles.*—The owner or other person in charge of a goods vehicle shall submit to the Commercial Tax Officer having jurisdiction over the area in which the goods are delivered copies of the Goods Vehicle Record or Trip Sheet with such further particulars, and within such time, as may be prescribed under this Act.

45. *Offences and penalties.*—(1) Any person who—

(*a*) being an assessee under this Act, fails to submit a return as required by the provisions of this Act, or the rules made thereunder, or

(*b*) being a person obliged to register himself as a dealer under this Act, does not get himself registered, or

(c) collects any amount by way of tax under this Act in contravention of the provisions of sub-section (1) of section 22 shall, on conviction by a Magistrate, not below the rank of a Second-class Magistrate, be liable to fine which may extend to two hundred rupees.

(2) Any person who—

(a) wilfully submits an untrue return, or, not being already an assessee under this Act, fails to submit a return as required by the provisions of this Act or the rules made thereunder, or

(b) fraudulently evades the payment of any tax assessed on him or any fee or other amount due from him under this Act, or

(c) dishonestly objects to a notice issued to him under sub-section (1) of section 26, or

(d) wilfully acts in contravention of any of the provisions of this Act, or

(e) after purchasing any goods in respect of which he has made a declaration under the proviso to sub-section (3) of section 3 fails without reasonable excuse to make use of the goods for the declared purpose;

shall, on conviction by a Presidency Magistrate or a Magistrate of the First-class, be liable to a fine which may extend to one thousand rupees and in the event of a second or subsequent conviction, to simple imprisonment which may extend to six months or a fine which may extend to two thousand rupees or both.

(3) Any person who—

(a) prevents or obstructs inspection, entry, search or seizure by an officer empowered under section 41, or

(b) prevents or obstructs inspection of any goods vehicle, or boat carrying goods, by an officer in charge of a check post or barrier or any officer empowered under section 42 shall, on conviction, be liable to simple imprisonment which may extend to six months or a fine which may extend to two thousand rupees or both.

46. *Composition of offences.*—The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed an offence against this Act, by way of composition of such offence—

(a) where the offence consists of the failure to pay, or the evasion of, any tax recoverable under this Act, in addition to the tax so recoverable, a sum of money not exceeding one thousand rupees or double the amount of the tax recoverable, whichever is greater, and

(b) in other cases, a sum of money not exceeding one thousand rupees.

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47. *Cognizance of offences.*—No prosecution for any offence under sub-section (3) of section 45 shall be instituted except with the written consent of the Deputy Commissioner.

48. *Assessment, etc., not to be questioned in prosecution.*—(1) The order of assessment made under this Act shall be conclusive evidence in any prosecution or other proceeding.

(2) The validity of the assessment of any tax, or of the levy of any fee or other amount, made under this Act, or the liability of any person to pay any tax, fee or other amount so assessed or levied shall not be questioned in any criminal court in any prosecution or other proceeding, whether under this Act or otherwise.

49. *Bar of certain proceedings.*—(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

50. *Limitation for certain suits and prosecutions.*—No suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

51. *Bar of suits and proceedings to set aside or modify assessments as provided in this Act.*—No suit or other proceeding shall, except as expressly provided under this Act be instituted in any court to set aside or modify any assessment made under this Act.

52. *Appearance before any authority in proceedings.*—Any person who is entitled to appear before any authority other than the High Court in connection with any proceedings under this Act may be represented before such authority—

(*a*) by his relative or a person regularly employed by him, if such relative or person is duly authorized by him in writing in this behalf; or

(*b*) by a legal practitioner; or

(*c*) subject to such conditions, as may be prescribed, by an accountant or sales tax practitioner possessing the prescribed qualifications and duly authorized by him in writing in this behalf.

53. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) determining the total turnover or turnover of a dealer for the purposes of this Act;

(*c*) the assessment to tax under this Act of business which is discontinued or the ownership of which has changed;

(*d*) the assessment to tax under this Act of business owned by minors and other incapacitated persons or by persons residing outside the State;

(*e*) the assessment of a business owned by any person whose estate or any portion of whose estate is under the control of the Court of Wards, the Administrator-General, the Official Trustee, or any receiver or manager appointed by or under any order of a Court;

(*f*) the administration of the check posts set up and barriers erected under this Act and the regulation of the work therein;

(*g*) the disposal of goods confiscated under this Act and of the proceeds thereof;

(*h*) compelling the submission of returns;

(*i*) the form in which and the particulars to be contained in any declaration to be given under this Act, the authority from whom, the conditions subject to which and the fees subject to payment of which any form of declaration prescribed under sub-section (3) of section 3 may be obtained, the manner in which the form shall be kept in custody and records relating thereto maintained, the manner in which any such form may be used and any such declaration may be furnished;

(*j*) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;

(*k*) the term of office, and the conditions of service, of the members of the Appellate Tribunal;

(*l*) the circumstances in which and the extent to which, fees paid in pursuance of section 36 may be refunded;

(*m*) the issue of bills or cash memoranda, the class or classes of dealers who should maintain counterfoils for the same and the particulars to be shown in and the manner of maintenance of such counterfoils and the time for which they should be preserved;

(*n*) the maintenance of purchase bills or accounts of purchases and sales by dealers and the time for which they should be preserved;

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(*o*) the issue of delivery notes in respect of goods delivered or transferred to retail dealers in pursuance of sales effected to them, the form and manner of their issue and the time for which they should be preserved;

(*p*) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act.

(3) (*a*) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to one thousand rupees and, where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

(*b*) No Court inferior to that of a Presidency Magistrate or a Magistrate of the Second-class shall inquire into or try any offence consisting of a breach of a rule.

(4) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication shall have effect as if enacted in this Act.

(5) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the Table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

54. *Power to summon witnesses and production of documents.*—An assessing authority or any appellate or revising authority (including the Appellate Tribunal) or any officer of the Commercial Taxes Department not lower in rank than an Assistant Commercial Tax Officer shall, for the purposes of this Act, have all the powers conferred on a court by the Code of Civil Procedure, 1908 (Central Act V of 1908), for the purpose of—

(*a*) summoning and enforcing the attendance of, any person and examining him on oath or affirmation; and

(*b*) compelling the production of any document.

55. *Power to rectify any error apparent on the face of record.*—(1) An assessing authority or an appellate or revising authority (including the Appellate Tribunal) may, at any time within three years from the date of any order passed by it, rectify any error apparent on the face of the record :

Provided that no such rectification which has the effect of enhancing an assessment or any penalty shall be made unless such authority has given notice to the dealer and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment or penalty, the assessing authority shall make any refund which may be due to the dealer.

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(3) Where any such rectification has the effect of enhancing an assessment or penalty, the assessing authority shall give the dealer a revised notice of assessment or penalty and thereupon the provisions of this Act and the rules made thereunder shall apply as if such notice had been given in the first instance.

56. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) All orders made under sub-section (1) shall as soon as possible after they are made be placed on the Table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislature may make either in the same session or in the next session.

57. *Prohibition of disclosure of particulars produced before Sales Tax Authorities.*—(1) All particulars contained in any statement made, return furnished or accounts or documents produced under the provisions of this Act or in any evidence given or affidavit or deposition made, in the course of any proceeding under this Act or in any record of any proceeding relating to the recovery of a demand, prepared for the purposes of this Act shall be treated as confidential and shall not be disclosed.

(2) Nothing contained in sub-section (1) shall apply to the disclosure of such particulars—

(i) for the purpose of prosecution under the Indian Penal Code (Central Act XLV of 1860) or under this Act in respect of any such statment, return, accounts, documents, evidence, affidavit or deposition; or

(ii) to any person enforcing the provisions of this Act where it is necessary to disclose the same to him for the purposes of this Act; or

(iii) occasioned by the lawful employment under this Act of any process for the recovery of any demand; or

(iv) to a civil court in any suit to which the Government are party and which relates to any matter arising out of any proceeding under this Act; or

(v) occasioned by the lawful exercise by a public servant of his powers under the Indian Stamp Act, 1899 (Central Act II of 1899) to impound an insufficiently stamped document; or

(vi) to an officer of—

(*a*) the Government of India; or

(*b*) the Government of any State or Union Territory in India with which an agreement for disclosure on a reciprocal basis has been entered into by the Government of the State; or

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(vii) to an officer of any department other than the Commercial Taxes Department of the State Government after obtaining—

(a) the permission of the Commercial Tax Officer of the district where such particulars are to be furnished by an officer subordinate to the Commercial Tax Officer; and

(b) the permission of the Board of Revenue where such particulars are to be furnished by a Commercial Tax Officer or an Appellate Assistant Commissioner or a Deputy Commissioner:

Provided that such particulars shall be furnished under clause (vii) only in exceptional cases and that any officer obtaining such particulars shall keep them as confidential and use them as confidential and use them only in the lawful exercise of the powers conferred by or under any enactment;

(viii) Nothing herein cotained shall prevent the publication of the final assessment of any party in the prescribed manner.

58. *Sale or purchase deemed to have taken place inside the State in certain cases.*—(1) Any sale or purchase which took place on or before the 6th day of September 1955 shall be deemed to have taken place inside the State if the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in the State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State, and be subject to tax under this Act accordingly.

(2) The provisions of this section shall not affect the liability to tax of any sale or purchase under any other provision of this Act.

59. *Power to amend Schedules.*—(1) The Government may, by notification, alter, add to or cancel any of the Schedules.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislature, as soon as may be, but in any case during the next session of the Legislature following the date of the issue of the notification, a Bill on behalf of the Government, to give effect to the alteration, addition or cancellation, as the case may be, of the Schedules specified in the notification; and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the Legislature is in session, such a Bill shall be introduced in the Legislature during that session;

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislature, the notification shall cease to have effect on the expiration of the said period of six months.

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(3) All references made in this Act to any of the Schedules shall be considered as relating to the Schedules as for the time being amended in exercise of the powers conferred by this section.

60. *Certain transactions deemed to be first sales or purchases.*—Notwithstanding anything contained in this Act, the sale or purchase of such of those goods—

(i) as were not liable to tax only at the point of first sale or purchase before the commencement of this Act; and

(ii) as are liable to tax only at the point of first sale or purchase under sub-section (2) of section 3 of this Act; effected within the State after the commencement of this Act shall be deemed to be the first sale or purchase for the purposes of this Act, although any sale or purchase of such goods has taken place within the State before such commencement.

61. *Repeal.*—(1) The Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) is hereby repealed :

Provided that such repeal shall not affect the previous operation of the said Act or any right, title, obligation or liability already acquired, accrued or incurred thereunder and subject thereto, anything done or any action taken including any appointment, notification, notice, order, rule, form, regulation, certificate, licence or permit in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken, and all arrears of tax and other amounts due at the commencement of this Act may be recovered as if they had accrued under this Act.

(2) Notwithstanding anything contained in sub-section (1) any application, appeal, revision or other proceeding made or preferred to any officer or authority under the said Act and pending at the commencement of this Act, shall after such commencement, be transferred to and disposed of by the officer or authority who would have had jurisdiction to entertain such application, appeal, revision or other proceeding under this Act if it had been in force on the date on which such application, appeal, revision or other proceeding was made or preferred.

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THE FIRST SCHEDULE.

GOODS IN RESPECT OF WHICH SINGLE POINT TAX IS LEVIABLE UNDER SUB-SECTION (2) OF SECTION 3.

Serial number.	*Description of the goods.*	*Point of levy.*	*Rate of tax.*
(1)	(2)	(3)	(4)
			PER CENT
1	Typewriters, tabulating machines, calculating machines and duplicating machines and parts thereof.	At the point of first sale in the State.	7
2	All clocks, timepieces, and watches and parts thereof.	Do.	7
3	Motor vehicles including motor cars, motor taxi cabs, motor cycles and cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries, chasis of motor vehicles, component parts of motor vehicles: articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of motor vehicles not being such articles as are ordinarily also used for purposes other than as parts or accessories of motor vehicles.	Do.	7
4	Refrigerators, air conditioning plants, component parts of refrigerators or air conditioning plants.	Do.	7
5	Wireless reception instruments and apparatus, radios and radio gramaphones, electrical valves, accumulators, amplifiers, and loud speakers and spare parts and accessories thereof.	Do.	7
6	Cinematographic equipment including cameras, projectors, sound recording and reproducing equipment, lenses, films, and parts and accessories required for use therewith.	Do.	7
7	Photographic and other cameras, and enlargers, lenses, films, plates, paper, cloth and other parts and accessories required for use therewith.	Do.	7
8	Binoculars, telescopes and opera glasses:	Do.	7
9	Gramophones and component parts thereof and records.	Do.	7
10	Dictaphone and other similar apparatus for recording sound and spare parts thereof.	Do.	7
11	Sound transmitting equipment including telephones and loud speakers and spare parts thereof.	Do.	7
12	All arms including rifles, revolvers, pistols, and ammunition for the same.	Do.	7
13	Iron and steel safes and almirahs ..	Do.	7
14	Mechanical lighters and cigarette cases.	Do.	7

Serial number.	Description of the goods.	Point of levy.	Rate of tax.
(1)	(2)	(3)	(4)
			PER CENT.
15	Bullion and specie	At the point of first sale in the State.	½
16	Cotton waste	Do.	1
17	Cotton yarn waste	Do.	1
18	Artificial silk yarn and staple fibre yarn.	Do.	1
19	Jari	Do.	2
20	All vegetable oils	Do.	3
21	Chemical fertilizers, that is to say—(1) ammonium sulphate, (2) ammonium nitrate, (3) urea, (4) ammonium chloride, (5) sodium nitrate, (6) calcium ammonium nitrate, (7) superphosphate single, (8) superphosphate triple, (9) kotka phosphate (10) dicalcium phosphate, (11) potassium chloride (muriate of potash), (12) sulphate of potash, (13) mono ammonium phosphate, (14) di-ammonium phosphate, (15) Bonemeal, (16) any mixture of one or more of the articles mentioned in items (1) to (15) and one or more of the organic manures.	Do.	3
22	Any pen, pencil or pen and pencil set, sold for Rs. 20 or more.	Do.	3
23	Machinery (other than those falling under item 42, including any article, implement, contrivance, apparatus or part of such machinery made of any metal (not) being a typewrite, tabulating machine, calculating machine and duplicating machine and parts thereof), hardware iron and steel (other than those mentioned under declared goods) and all articles made therefrom (excluding articles used for agricultural purposes) and all items specifically provided in the schedule.	Do.	3
24	Milk foods (excluding fresh milk) but includig milk powder.	Do.	3
25	Asafoetida	Do.	3
26	All kinds of wood and timber and similar articles (excluding firewood and charcoal).	Do.	3
27	Ice and ice fruits	Do.	3
28	Confectionery (tinned, packed or otherwise).	Do.	3
29	Biscuits and cakes (packed, tinned or otherwise excluding bread).	Do.	3
30	Precious stones, namely, diamonds, emeralds, rubies, real pearls and sapphires, whether they are sold loose or as forming part of any article in which they are set.	Do.	3

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Serial number.	Description of the goods.	Point of levy.	Rate of tax.
(1)	(2)	(3)	(4)
			PER CENT.
31	Chicory	At the point of first sale in the State.	5
32	Coffee, that is to say, any one of the forms of coffee such as coffee beans, coffee seed (raw or roasted) coffee powder, but not including coffee drink.	Do.	5
33	French coffee (if the coffee portion of the French coffee has not already suffered tax in this State under item 32).	Do.	5
34	Cement	Do.	5
35	Kerosene	Do.	5
36	Tea, that is to say, any one of the forms of tea in which it is sold but not including tea drink.	Do.	5
37	Soaps	Do.	5
38	Bicycles, tandon cycles and cycle combination, tyres, tubes and accessories and parts.	Do.	5
39	Leather goods of all kinds excluding footwear.	Do.	5
40	Foamed rubber sheets, cushions, pillows and other like articles.	Do.	6
41	All electrical goods, instruments, apparatus, appliances and all such articles, the use of which cannot be had except with the application of electrical energy, including fans, lighting bulbs, electrical earthernwares and porcelain and all other accessories and component parts either sold as a whole or in parts.	Do.	6
42	Crokery and cutlery, including knives, forks and spoons, articles made of glass, China porcelain or glazed earthenware adopted for domestic use.	Do.	6
43	Vacuum flasks of all kinds	Do.	6
44	Upholstered furniture, sofa sets, dressing tables and furniture of all types including those made of steel and pile carpets (other than those mentioned in item 13.)	Do.	6
45	Vegetable products, that is to say, any vegetable oil or fact, which whether by itself or in admixture with any other substance, has by hydrogenation or by any other process been hardened for human consumption.	Do.	6
46	Paints colours and varnish lithographic printing, and duplicating inks.	Do.	6
47	Lubricating oils and greases	Do.	6

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Serial number.	*Description of the goods.*	*Point of levy.*	*Rate of tax.*
(1)	(2)	(3)	(4)
			PER CENT.
48	Tinned, canned, bottled or packed foods or provision (excluding those mentioned under items 25, 29 and 30).	At the point of first sale in the State.	6
49	Camphor	Do.	6
50	Mercury	Do.	6
51	Scents and perfumes, powders, snows, scented hair oils, scented sticks, cosmetics and toilet requisites, except soap.	Do.	6
52	Furs and skins (other than those of cattle, sheep and goats) and articles of personal or domestic use made therefrom.	Do.	6
53	Fire works, including coloured matches.	Do.	6
54	Glass ware bottles and phials, funnels, globes, glass parts of lamps, sheets and other plates, and photo and other frames.	Do.	6
55	All varieties of tractors and bull-dozers.	Do.	6
56	Plastic sheets and fabrics and articles made therefrom.	Do.	6
57	Folding umbrellas and parts	Do.	6
58	Musical instruments	Do.	6
59	Wattle bark including dying and tanning materials.	At the point of last purchase in the State.	3
60	Raw wool	Do.	3
61	Palmyra fibres and stalks	Do.	2
62	Sugar cane	Do.	3
63	Potatoes	At the point of first purchase in the State.	2

THE SECOND SCHEDULE

DECLARED GOODS IN RESPECT OF WHICH A SINGLE-POINT TAX ONLY IS LEVIABLE UNDER SECTION 4.

Serial number.	*Description of the goods.*	*Point of levy.*	*Rate of tax.*
(1)	(2)	(3)	(4)
			PER CENT.
1	Coal, including coke in all its forms ..	At the point of first sale in the State.	2
2	Cotton, that is to say all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise, but excluding cotton waste.	At the point of last purchase in the State.	1

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Serial number.	Description of the goods.	Point of levy.	Rate of tax.
(1)	(2)	(3)	(4)
			PER CENT.
3	Cotton yarn, but excluding cotton yarn waste.	At the point of first sale in the State.	1
4	Iron and steel, that is to say— (a) pig iron and iron scrap ; (b) iron plates sold in the same form in which they are directly produced by the rolling mill ; (c) steel scarp, steel ingots, steel billets, steel bars and rods ; and (d) (i) Steel plates ; (ii) Steel sheets; (iii) Steet bars and tin bars ; (iv) rolled steel sections ; and (v) tool alloy steel Items (i) to (v) sold in the same form in which they are directly produced by the rolling mill.	Do.	2
5	Jute, that is to say, the fibre extracted from plants belonging to the species corchorus capsularis and corchorus olitorious and the fibre known as mesta or bimli extracted from plants of the species hibiscus Cannapinus and hibiscus sabderifia-var altissima, whether baled or otherwise.	Do.	2
6 (a)	Oil-seeds, other than cardamom that is to say, seeds yielding non-volatile oils used for human consumption or in industry, or in the manufacture of varnishes, soaps and the like or in lubrication and volatile oil used chiefly in medicines, perfumes, cosmotics and the like.	Do.	2
(b)	Cardamom	At the point of first purchase in the State.	2
7 (a)	Raw hides and skins	At the point of last purchase in the State.	2
(b)	Dressed hides and skins (which were not subjected to tax under this Act as raw hides and skins).	At the point of first sale in the State.	1

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THE THIRD SCHEDULE.

GOODS EXEMPTED FROM TAX BY SECTION 8.

Description of goods.

1 Motor spirit as defined in the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939).

2 Tobacco and its products.

3 Any goods on which duty is levied or leviable under the Madras Prohibition Act, 1937 (Madras Act X of 1937), or the Opium Act 1878 (Central Act I of 1878) on the entire quantity of such goods and not merely on any ingredient which forms part of such goods.

4 All varieties of textiles (other than durries, carpets, druggets and pure silk cloth) made wholly or partly of cotton, staple fibre rayon artificial silk or wool including handkerchiefs, towels, napkins, dusters cotton velvets and velveteen, tapes, niwars and laces and hosiery cloth in lengths.

5 Sugar including jaggery and gur.

6 Handspun yarn.

7 Handloom cloth.

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker,
Madras Legislative Assembly.